About This Book

Most proposals for development in California require at least one approval from local, state or federal planning agencies. Many projects also require environmental review under the California Environmental Quality Act.

The *California Permit Handbook* (Handbook) is a guide to the State environmental and land use permit processes. The Handbook will assist project applicants, government agencies, and citizens identify permitting agencies and their mandates. It summarizes permits by department, agency, commission and board. It provides contacts for permit questions and contains useful information to help you understand the permit process. The Handbook also provides guidance for complying with the State's environmental requirements and permit streamlining statutes, regulations and policies.

Suggestions and/or comments on how to improve the usefulness of the Handbook would be very much appreciated. Please contact Glenn Stober, Office of Permit Assistance, with your suggestions and comments either by phone at (916) 324-9538 or 1 (800) 353-2672 or through electronic transmission at gstober@commerce.ca.gov.

Permission To Copy

Additional copies of the *California Permit Handbook* may be secured from the following website: www.permithandbook.com.

Acknowledgement

The California Technology, Trade & Commerce Agency, Office of Permit Assistance gratefully acknowledges the contributions of members of local, state, and federal agencies in the preparation of this handbook.

Please note that the statutes and regulations described in this Handbook, as well as the procedures of different agencies, are subject to change over time. This Handbook represents the best effort of California Technology, Trade & Commerce Agency, Office of Permit Assistance, and other contributing agencies to provide the most current information and instructions as to the laws and procedures currently in effect.

In publishing this Handbook, the publisher is not engaging in the rendering of legal or any other professional service, if legal advice or other expert assistance is required, the services of a competent professional should be sought.

Table of Contents

CHAPTER I - INTRODUCTION

Chapter I describes the mission of the California Technology, Trade & Commerce Agency (CTTCA) and the programs it administers to improve California's business climate. Within CTTCA is the Office of Permit Assistance. Mandated responsibilities for the Office of Permit Assistance includes providing permitting assistance to business and local government agencies.

California Technology, Trade And Commerce Agency

The California Trade & Commerce Agency—created on September 30, 1992—is the State's lead agency for promoting economic development, job creation, and business retention in California. In fulfilling its mission to improve California's economic climate, the Agency works closely with state and local government agencies, domestic and international businesses, economic development corporations, chambers of commerce, and regional visitor convention bureaus.

The Agency's programs assist in-state expansion of existing companies while nurturing the growth of emerging industries and small businesses. Through Enterprise Zone incentives, the Agency encourages business investment in depressed areas. The Community Development Program addresses economic and growth concerns of rural California, as well as those of the state's metropolitan areas.

The Agency now has several economic development arms under one umbrella. They include:

Domestic business attraction and development efforts. The Agency also houses the Tourism Division and the Economic Development Division, which includes the Offices of Small Business, Strategic Technology, Permit Assistance, Major Corporate Projects, and the California Film Commission. In addition, the Agency has four regional offices located in Sacramento, San Mateo, Pasadena and San Diego.

International trade and investment. Currently, the Agency has trade and investment outposts in London, Hong Kong, Tokyo, Frankfurt, Mexico City, Taipei, Israel, Johannesburg, Seoul, Shanghai and Buenos Aires. In addition, the Agency's Office of Foreign Investment works with the overseas offices in securing investment and expansions from abroad.

Office of Permit Assistance

In recognition of the complexity of the permit process, the Legislature and the Governor created the California Office of Permit Assistance (OPA) in the Governor's Office of Planning and Research in 1977. It was subsequently transferred in 1994 to the California Technology, Trade & Commerce Agency. The primary mission of OPA is to provide environmental and land use permit assistance and information to public and government agencies, and to help businesses comply with environmental regulations. Names of clients who work with OPA are kept confidential. There is no charge for OPA services. As it relates to permit activities, OPA is specifically mandated to:

- Provide direct, ongoing, non-regulatory environmental permitting and California Environmental Quality Act (CEQA) assistance by helping companies get through the red-tape processes (Government Code Section 15399.54).
- Provide information to permit applicants to help them meet the requirements of the California Environmental Quality Act *(Government Code Section 15399.55 [c])*.
- Advocate improvement of state and local environmental permitting processes and streamlining from an economic development perspective while maintaining high environmental standards *(Government Code Section 65920 et seq.)*. This non-regulatory program is unique to OPA.

- Offer a formal mediation process for disputes arising out of land use proceedings (Government Code Section 66030 – 66037).

OPA can convene early consultation and scoping meetings at the request of the project applicant or any of the involved permitting agencies. Scoping meetings gather all relevant permit agencies to meet with the project applicant and discuss requirements and time lines necessary to receive permits.

OPA can be contacted by telephone at (916) 322-4245 (ATSS 473-4245), 1 (800) 353-2672, and by FAX at (916) 322-7214. The mailing address is Office of Permit Assistance, California Technology, Trade & Commerce Agency, 1017 J Street, Sacramento, California 95814. The Internet address is www.permitassistance.com

CHAPTER II - OVERVIEW OF THE ENVIRONMENTAL REVIEW AND PERMIT PROCESS

This Chapter examines the state and federal environmental review process and how they interface with the permitting process.

Introduction

Many laws, including the California Environmental Quality Act (CEQA) and the Permit Streamlining Act (PSA) influence and regulate planning and land use in California. While the permit process remains independent, it nonetheless interfaces with the CEQA process. To understand CEQA and the permit processes, it is necessary to understand the role of various agencies that regulate development activities in California.

- Cities and counties regulate land use by way of planning, zoning, and subdivision controls. There are currently 58 counties and 475 cities in California, each with substantially the same authority for land use regulation authorized by state statute. Cities and counties may adopt ordinances and rules consistent with state law. Some activities are permitted by right and others are permitted only by special use authorization – nearly all are subject to CEQA.
- State agencies regulate the use of state-owned land, resources, and certain activities of statewide significance. The permit authority for each state agency is established by statute, usually with additional administrative rules promulgated by the agency. State level permitting is also subject to CEQA.
- Federal agencies have permit authority over activities on federal lands and certain resources, which have been the subject of congressional legislation, such as air, water quality, wildlife, and navigable waters. The U. S. Environmental Protection Agency generally oversees federal agencies having environmental jurisdiction and has broad authority for regulating certain activities such as the disposal of toxic wastes and the use of pesticides. The responsibility for implementing some federal regulatory programs such as those for air and water quality and toxics, is delegated by management to specific state and local agencies. Although federal agencies are not subject to CEQA they must follow their own environmental process established under the National Environmental Policy Act (NEPA).

Coordination of CEQA and the Permit Process

In California, the permit process is coordinated with the environmental review process under CEQA. Every project, not exempt from CEQA, must be analyzed by the lead agency to determine potential environmental effects of the project. A **lead** agency is the public agency that has the principal responsibility for carrying out or approving a project and preparing the CEQA document. A CEQA analysis examines the environmental effects of a project in which all permitting agencies, the land use decision agency, the project proponent, and the general public participate. The document, typically an environmental impact report (EIR) mitigated negative declaration, or negative declaration is the initial step upon which subsequent permit decisions are based. This analysis, under state law, must be completed within set time periods concurrent with those in which an agency is required to approve or disapprove the project. Once the lead agency is identified, all other involved agencies, whether local or state, become **responsible**, or **trustee** agencies. Responsible and trustee agencies must consider the environmental document prepared by the lead agency and do not, except in rare occasions, prepare their own environmental documents.

The Permit Streamlining Act (PSA)

The procedure for issuing a permit is governed by the law that establishes the permit authority and by the California Permit Streamlining Act (PSA). The PSA (Government Code Section 65920 *et. seq.*) mandates specific time frames which local and state governments (Collectively called an "agency" in the discussion below) must comply with when processing permits. Since the PSA is a state law, federal agencies are not subject to its requirements. The intent of the PSA is to provide clarity and consistency to the permit process. A general summary of the PSA is outlined below. Since there are exceptions and specific situations not discussed below, please refer to Appendix A for the entire version of the PSA.

- PSA Summary
- The applicant submits a project application.
- An agency must, within 30 **calendar** days, inform the applicant **in writing** whether the application is deemed complete and accepted for filing (processing).
- If the application is deemed incomplete, the agency must point out in detail where the application is deficient and specify the information needed to make the application complete.
- The application is **deemed complete** and accepted when the agency fails to rule on its completeness within 30 calendar days of its submission **only** if the application includes a statement that it is an application for a "Development Permit."
- An agency must include in the information list for development projects, or in the application form for a building permit, specified requirements concerning compliance with statutes regulating hazardous materials and air pollution, the handling of acutely hazardous materials and the emission of hazardous air emissions. An agency is prohibited from finding an application incomplete or from approving a development project or a building permit for a project, which requires only a building permit if the project meets specified requirements concerning hazardous materials and emissions, unless the owner or authorized agent complies with certain provisions.
- Once the application is accepted as complete or deemed complete, the agency cannot ask for new information, although it may require the applicant to clarify or add to the material provided in the accepted application. All **deadlines begin** from the day an application is accepted as complete or is deemed complete.

- Under the PSA, the agency, which is the lead agency for a project under CEQA for which an EIR is prepared, shall approve or disapprove the project within 180 days from the date of certification of the EIR.
- Under the PSA, the agency, which is the lead agency for a project under CEQA for which a negative declaration is required or if the project is exempt, shall approve or disapprove the project within 60 days from the date the negative declaration is adopted or when the project is deemed exempt.
- The PSA allows for a one-time-only 90-day extension period upon consent of the agency and the applicant.
- An agency cannot (shall not) disapprove a project in order to comply with the PSA'S time limits. Any disapproval must **specify reasons for disapproval** other than failure to act timely in accordance with the time lines of the PSA.
- If approval or disapproval does not occur within the time limits, the PSA States that such failure to act shall be deemed approval of the project **provided that the prescribed public notice requirements have been met.** However the courts have ruled that this provision does not apply to legislative acts (general plan amendments or re-zonings).
- Public notice requirements are met by two methods:

Applicant uses civil mandamus remedy to compel city/county to provide the required public notice;

Applicant may provide public notice of the project if the city/county fails to do so.

CEQA and Permit Application Process

The basic purposes of CEQA are: (1) to inform government decision makers and the public about the potential environmental effects of proposed activities; (2) to identify the ways that significant environmental damage can be avoided or reduced; or (3) provide an additional means for the public and governmental agencies to participate in the decision making process; and, (4) to disclose why a project was approved if that project would have significant environmental effects.

The permit process can be divided into three basic steps:

1. Planning
2. Application
3. Review.

Planning

The planning process begins when the applicant completes the conceptual and preliminary design work for a project and is ready to prepare a project proposal. At this point, there is enough information available to describe the scope of the project and identify the proposed location. The primary objective of this step is to identify the appropriate permit agencies and begin collecting as much background information as possible.

Many projects require special studies, either before or during the application's formal processing. Under the PSA, all state and local agencies are required to list the types of information and criteria used to evaluate a project application. These lists are available from each agency. Applicants may request pre-application consultation or "scoping" meetings with permit agencies to discuss how the agencies' specific rules apply to the proposed project.

By the end of the planning phase, the applicant should have a good understanding of the detailed project information required, a list of probable permitting agencies, an indication of the level of environmental analysis, which will be performed, timeframes, and fees.

In a project requiring approval from more than one permit agency, a lead agency must be determined. A lead agency is the permit agency with the principal responsibility for carrying out or approving a project and preparing the CEQA document. Criteria for determining the lead agency are provided in the CEQA Guidelines (Section 15051). However, more often than not, the locality in whose jurisdiction a project is proposed will serve as the lead agency.

In the event of a "dispute" over the lead agency status between or among agencies (two or more agencies claiming lead status or the absence of an agency to claim lead status), the Office of Planning and Research (OPR) may designate the lead agency. The intervention of OPR will occur only after involved agencies exhaust efforts to determine lead agency status.

Application

The application phase begins when the applicant files the necessary permit application forms, a detailed project description, and support documentation with the appropriate permit agency. In some cases, agencies will not accept an application until certain other permit approvals have been granted.

Unless otherwise specified, the sequence of filing applications is left up to the applicant. However, the failure of some agencies to accept an application until certain other permit approvals have been granted does not in any way impact the time limits under which the agency must act. In fact, the failure to process a permit application concurrently can place an extreme burden on the reviewing agency and may subject the agency to issuing the requested permit through default.

During this phase, the agency must review the submitted application for completeness. The agency must make its determination in writing within 30 days. Should the agency fail to make its determination within the specified time period, the application is deemed complete. If the application is determined to be incomplete, the agency must specify the deficiencies and ways to correct them. The applicant may then submit additional information and the corrected application and thereupon, the agency has an additional 30 days to review for completeness. If the application is again determined to be incomplete, the agency must provide a process for an appeal of the determination and reach a decision within 60 days. Further disputes may be judicially resolved. This step is critical to the process, as a permit may not be subsequently denied for failure to provide information not requested.

Under the PSA, once an application is accepted as complete, the statutory time limit for the completion of the environmental review and approval or denial of the permit application begins. The lead agency has one year to prepare and certify an EIR; 180 days to prepare and adopt a negative declaration; and, 60 days to determine if a project is categorically exempt. The lead agency then has up to 180 days to approve or disapprove a project for which an EIR has been prepared and certified. If a negative declaration is prepared or if the project is categorically exempt, the project shall be approved within 60 days from the date the agency adopts the negative declaration or determines the project is categorically exempt.

Review

Review begins when the application is deemed complete. In accordance with Section 65941 of the Permit Streamlining Act, the lead agency will perform the review of the project and conduct the necessary environmental analysis simultaneously.

Permit rules vary depending on the particular permit authority in question, but the process generally involves comparing the proposed project with existing agency standards or policies. The procedure usually leads to a public hearing, which is followed by a written decision by the agency or its designated officer. Typically, a project is approved, denied, or approved subject to specified conditions.

The CEQA procedure involves a number of steps, which culminate in an environmental document. The environmental document serves as part of the record, which supports the permit decision by the lead and trustee agencies. The CEQA procedures is as follows:

- The first step in the CEQA process is to determine whether the proposed project is subject to CEQA. There are a number of statutory and categorical exemptions, and, if the proposal is not subject to CEQA, the lead agency may prepare and file a **Notice of Exemption**.
- If the project is subject to CEQA, the lead agency must prepare an **Initial Study** to determine whether the project may have a significant impact on the environment. The initial study **must** be completed within 30 days after an application is accepted as complete.

- The lead agency must then prepare and circulate a Negative Declaration if it finds in the initial study that the project will not have a significant effect on the environment and/or the project is revised in such a way that the effects are rendered insignificant (this is called a Mitigated Negative Declaration).
- In either case, the lead agency must circulate the negative declaration for a 20-30 day review period (30 days required if submitted to the State Clearing House).
- If the Initial Study shows that the project will or may have one or more significant effects, the lead agency must prepare an Environmental Impact Report (EIR). Once a decision is made to prepare an EIR, the lead agency prepares and circulates a Notice of Preparation (NOP) and must consult with responsible and trustee agencies as to the content of the environmental analysis. The NOP must be filed with the State Clearinghouse within the Office of Planning and Research. (The State Clearinghouse is the single point of contact that receives and distributes environmental documents prepared pursuant to CEQA). Responsible agencies must respond to the NOP within 30 days.
- If a responsible or trustee agency fails to respond, the lead agency may assume that the responsible agency has no response. Further, if a responsible agency fails to respond or responds incompletely, the responsible agency may not subsequently raise issues or objections regarding the adequacy of the environmental review.
- The lead agency must prepare and circulate a **Draft Environmental Impact Report (DEIR).** All concerned agencies and the public may review the DEIR. All comments on the DEIR must be made within the review period (usually 45 days).
- At the close of the review and comment period, the lead agency must respond to the comments received. Comments from responsible or trustee agencies shall be limited to those project activities, which are within the agency's area of expertise and are required to be carried out or approved by the agency, or which will be subject to the exercise of powers by the agency.
- The lead agency prepares a **Final Environmental Impact Report (FEIR)** and certifies that it is complete and has been considered by the decision makers. The lead agency must also find that each significant impact will be mitigated below the level of significance wherever feasible, or that overriding social or economic concerns justify the approval of the project.
- With the CEQA and permit review process completed, the lead agency must approve or deny the permit and file a **Notice of Determination (NOD)**. Responsible agencies must then act within six months after the lead agency has acted or, if the applicant has not already filed an application with a responsible agency within six months from the time the application is filed (except as modified under Health and Safety Code Section 25199.6, Chapter 1504, Statutes of 1986, AB 2948, Tanner).
- Finally, environmental documents for projects which involve one or more state agencies or which involve an issue of area wide or statewide significance must be sent to the State Clearinghouse for distribution to interested state agencies. State Clearinghouse interface links the lead agency with responsible state agencies.

Implementing CEQA/and The Permit Streamlining Act

There are several key points that agencies, applicants, and the public must be aware of in order to avoid misunderstandings and unnecessary delays:

- The time limits for completing the requirements of CEQA and acting on a permit are concurrent, not consecutive. The practice of requiring a completed EIR before accepting a permit application is specifically disallowed by the PSA (Gov't Code 65920-65963.1).
- A project is automatically approved if a public agency does not approve or deny a project within the statutory time limit. Project approvals through inaction by a public agency have been upheld by the California Appellate Court (Palmer V. Ojai (1986) 178 Cal.App.3d 280 and Orsi V. City Council of the City of Salinas (1990) 219 Cal.App.3d 1576).
- Under the PSA, if a public agency does not approve or deny a project within the statutory time limit, the project may be deemed approved. The applicant must give notice to invoke the PSA.
- The PSA time limits are not applicable to all permit applications. Time limits are only applicable to development projects as defined in the PSA. The PSA expressly excludes ministerial permits such as certain building permits. Time limits:
  - ? Do not apply to legislative actions of public agencies such as the adoption or amendment of a zoning ordinance, or general plan.
  - ? Do not apply where federal law specifies a longer or shorter period for action.
  - ? May be waived with the consent of the applicant and the lead agency.
  - ? May be waived by the lead agency if a joint environmental document is being prepared with a federal permit agency.
  - ? Where a public agency (or series of agencies) will issue more than one permit for a project, the agency makes each approval separately, but must still act upon the entire project within the statutory time limit.
  - ? All PSA time limits are maximum time limits. Public agencies are required to act in a shorter time whenever possible.
  - ? Members of the public may challenge public agency action and inaction in court, but only if they first present those challenges to the agency itself within 30 to 180 days after the occurrence of the challenged action, depending upon whether or not an NOD was filed by the agency.
  - ? CEQA can help resolve public policy disputes relating to projects. Technical issues that find their way into policy disputes, no matter how dependent on scientific considerations, are inherently value-laden. CEQA specifically addresses the potential for conflicting expert discussions and mandates that all sides of an issue are considered.

CHAPTER III - STATE AND FEDERAL ENVIRONMENTAL REVIEW PROCESS

This Chapter examines the State and Federal environmental review processes and how they interface with the permitting process.

CEQA and NEPA: Making Them Work

The implementation of Presidential Executive Order 12372, ***"Intergovernmental Review of Federal Programs"*** requires Federal agencies to use State and local processes of intergovernmental coordination for review of proposed federal development or disposal activities as well as the associated environmental documentation and ultimate land use decisions.

In California, the State Clearinghouse (SCH) within The Governor's Office of Planning and Research serves as the single point of contact responsible for transmitting State and local comments developed under the auspices of the executive order.

Federal and State environmental regulations have provisions, which permit the preparation of joint environmental documents, thereby, satisfying both the National Environmental Policy Act (NEPA) and The California Environmental Quality Act (CEQA). The ***CEQA Guidelines*** contain clear authority for State and local agencies to prepare joint environmental documents with federal agencies. ***NEPA Regulations*** issued by the President's Council on Environmental Quality contain similar provisions.

When a project requires both State and federal action or where the action may have significant environmental consequences on the resources of either the State or the federal government, the use of a joint document may reduce delay and may lead to more consistent decision-making. For a project with no significant environmental impacts, **Negative Declarations** (CEQA) and **"Findings of No Significant Impact"** (NEPA) may be prepared jointly or may be used interchangeably. For a project that may have significant environmental impacts, and **Environmental Impact Report** (EIR) and **Environmental Impact Study** (EIS) may be combined.

There are three basic rules to follow in preparing an adequate joint document:

The lead agencies should sit down together as early in the planning process as possible to agree to prepare a joint document before either of the agencies commences a separate document.

The joint document must include all of the required contents of both federal and State law and regulations.

The joint document must satisfy the public review and notice requirements of both federal and State law and regulation.

The California Supreme Court interpreted CEQA for the first time in 1972 in a landmark case entitled *Friends of Mammoth V. Board of Supervisors*. That decision declared that CEQA must be interpreted so, *"as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language"*, and subsequently set the stage for differential application of the environmental review process between State and federal projects.

Conceptual Differences Between NEPA and CEQA

In general, according to the California courts, CEQA differs from NEPA in that *"the state statute places a relatively higher value on environmental protection compared with economic growth."* Under NEPA, the federal government is required, *"only to give appropriate consideration to environmental values."* California statutes indicate that the environment is of paramount concern and further a sense of urgency is conveyed.

Under NEPA, a federal review must evaluate all reasonable alternatives and must suggest appropriate mitigation measures. But, there is no mandatory duty to act on those alternatives even if they are feasible. To this end, the US. Supreme Court has held that NEPA is essentially procedural and the only role for the court is to ensure that the agency has considered the environmental consequences of its action.

In direct contrast, CEQA requires agencies to implement feasible mitigation measures or alternatives that will reduce project related environmental consequences below the level of significance. Therefore, an agency cannot satisfy the statute simply by considering the environmental impacts of a proposed project.

To help with this critical distinction that is the key to understanding the dilemma presented therein as well as to effectively use the CEQA process, let's remember that once alternatives or mitigation measures have been identified, the responsible State or local agency must determine whether the options presented are feasible. If they are, the agency must adopt them, or the project may not be approved unless specific findings can be made (see CEQA Guidelines section 15091).

NEPA mandates that an action be presented as a concept with several levels of alternatives presented. The actual approved alternative comes as a result of the process. CEQA, on the other hand, mandates that a definitive project be proposed and alternatives are to be developed for comparative analysis purposes. In other words, NEPA picks the project whereas CEQA defines the mitigation and determines whether the project as proposed and mitigated can proceed. Under CEQA, if the environmental consequences of a proposed action cannot be mitigated below the level of significance, the proposed action cannot occur (unless a finding of specific overriding considerations is made).

CEQA and NEPA Procedures

General Comments

The main procedures under CEQA and NEPA are presented in Table 1. The procedures are presented next to one another for general comparison purposes. The remainder of this section generally describes the CEQA and NEPA processes.

CEQA	NEPA
• Submission of Permit Application	• Submission of Permit Application
• Determination of Permit Application Completeness within 30 days	• Determination of Permit Application Completeness
• Lead agency prepares Initial Study	• Lead agency conducts Environmental Assessment
• Decision to prepare EIR within 30 days after permit application completeness is determined	• Decision to prepare EIS
• Notice of Preparation (NOP)	• Notice of Intent (NOI)
• Scoping may occur	• Formal scoping
• Lead Agency prepares Draft EIR	• Lead agency prepares Draft EIS
• Notice of Completion (NOC) and Public Notice of Availability of Draft EIR	• Federal Register notice
• Circulation of EIR by lead agency and State Clearinghouse if there are state responsible or trustee agencies	• Public Notice of Availability of Draft EIS
• Public review period (30-90 days) and agency consultation	• Circulation by Lead Agency of Draft EIS
• Lead Agency responds to comments and prepares Final EIR	• Public review period including public meetings (45 days typically)
• Certification of Final EIR by Lead Agency	• Lead Agency responds to comments and prepares Final EIS
• Lead Agency acts on project	• Federal Register Notice
• Notice of Determination (NOD)	• Public Notice of Availability of Final EIS
• (Statute of Limitations period is 30 days following filing of NOD)	• Distribution of Final EIS
• Disposition of Final EIR	• Lead Agency acts on project
	• Record of Decision (ROD)
	• Public Notice of Availability of ROD

Table 1: Procedures Under CEQA and NEPA

CEQA EIR Process

Overall Timing – The CEQA lead agency must complete and certify the Final EIR one year from the date the lead agency accepted as complete the applicant's permit application. This schedule may be extended 90 days with the consent of the lead agency and the applicant. At the request of the applicant, the lead agency may waive the one-year time limit if the project requires the preparation of an EIR and an EIS (NEPA).

Notice of Preparation – After deciding to prepare an EIR, the lead agency prepares a Notice of Preparation (NOP) and sends it to responsible and trustee agencies, involved federal agencies and, the State Clearinghouse if there is a state responsible or trustee agency. The NOP serves to familiarize the recipient agencies with the project by describing the project, its location, and the probable environmental effects. Recipients of the NOP must provide responses to the NOP to the lead agency within 30 days of receipt of the NOP. NOP responses should identify the issues to be considered in the Draft EIR, including significant environmental issues, alternatives, mitigation measures, and, whether the responding agency will be a responsible or trustee agency. Each response should address the specific concerns of that particular agency. During the NOP review period, agencies can commence the preparation of the draft EIR

Notice of Completion (NOC) and Public Notice of Availability of the Draft EIR – Upon completion of the Draft EIR, an NOC is filed with the State Clearinghouse. Its contents include a description of the project, the project's location, the location of publicly available copies of the Draft EIR, and dates specifying the duration of the public review period. When the EIR requires review through the State Clearinghouse, the cover form required by the Clearinghouse will serve as the NOC. Public notice of availability of the Draft EIR is made by notifying any parties that have requested such notification, and by one of three methods: (1) publication in a newspaper of general circulation; (2) posting on and off the project site in the area around the project; and, (3) direct mailing to owners and occupants of property contiguous to the project site. Public notice of availability begins the formal public review period.

Public Review and Associated Agency Consultation – Interrelated with public review of the Draft EIR is agency consultation concerning the Draft EIR. The public review period may be from 30 to 90 days, but 45 days is the normal review period. During the review period, private parties and agencies are able to review the document and submit comments to the lead agency. The lead agency must consult with, and request comments on the Draft EIR from all responsible agencies, trustee agencies, and state, federal, and local agencies which exercise authority over resources which may be affected by the project. Public hearings are encouraged but are not mandatory. In cases where a state agency is the lead agency or a responsible agency, or where the project is of statewide, regional, or area wide significance, the Draft EIR is distributed to state agencies through the State Clearinghouse. Public review must then be at least 45 days. This review period generally begins no more than two days after the Clearinghouse receives the document. At the end of the state agency review period, the Clearinghouse will transmit state agency comments to the lead agency.

Response to Comments – Upon completion of the public and agency review period, the lead agency must evaluate and respond to comments. The response must be in writing and describe the disposition of significant environmental issues raised. Particular attention must be paid to issues raised that are at variance with the lead agency's position. These comments must be addressed in detail with reasons why specific comments and suggestions were not accepted. The lead agency does not have to respond to comments that were submitted after the close of the noticed review period, but may address these comments if it so chooses.

EIR and EIS Contents

The required contents of EIRs and EISs are summarized in Table 2. As shown, the contents are similar, with several exceptions. A few of these exceptions are differences in the presentation of information common to both the EIR and EIS processes, and several exceptions are the inclusion or exclusion of certain impact analyses.

A cover sheet is required for an EIS but not for an EIR. Both contain a list of organizations and persons consulted. However, a list of commenting parties is required in an EIR but not an EIS.

	EIR	EIS
Cover Sheet		x
Table of Contents	x	x
Summary	x	x
Purpose of and Need for Action		x
Project Description	x	
Description of Alternatives (EIS)		x
Environmental Setting (EIR) or Affected Environment (EIS)	x	x
Significant (EIR) or Adverse (EIS) Environmental Effects	x	x
Economic and Social Effects	Optional	x
Growth-Inducing Impacts	x	x
Cumulative Impacts	x	x
Mitigation Measures	x	x
Alternatives to the Proposed Project (EIR)	x	
List of Preparers	x	x
Organizations and Persons Consulted	x	x
Responses to Comments on DEIR and DEIS	x	x
List of Commentators	x	

Table 2: Contents of an EIR or EIS

Final EIR – Before making a decision on the project the lead agency prepares a Final EIR consisting of the Draft EIR or a revision of the draft, comments and recommendations received on the Draft EIR, a list of persons or organizations who commented on the Draft EIR, and the lead agency's response to significant environmental points raised during the comment period. The lead agency may provide public and agency review of the Final EIR before making a decision on the project, but such review is not required.

Certification of the Final EIR by the Lead Agency – The lead agency certifies that the Final EIR has been completed in compliance with CEQA. Furthermore, the lead agency certifies that the Final EIR was presented to its decision-making body, which reviewed and considered the information before acting on the project.

Project Approval – Before approving a project the lead agency must make written findings for each significant environmental effect. The possible findings are: 1) required changes in the project will mitigate significant effects; 2) such changes fall under the jurisdiction of another agency; or 3) specific economic, social, or other considerations make the identified mitigation measures not feasible. If the lead agency approves a project, which will result in unavoidable adverse environmental effects, the agency must explain in writing the specific overriding social, economic, or other reasons for this decision.

Notice of Determination (NOD) – The lead agency files an NOD after approving a project. If a state agency is the lead agency, the NOD is filed with the State Clearinghouse. If the lead agency is a local agency, the NOD must be filed within five working days of project approval with the county clerk of the county or counties in which the project will be located. If the project requires discretionary approval from a state agency, the notice shall also be filed with the State Clearinghouse. Included in the NOD are the name and location of the project; the date of project approval; a description of the project; a determination of whether or not the project will have a significant effect on the environment; a statement that an EIR was prepared and certified; whether mitigation measures were made a condition of project approval; whether findings were made; and, whether a statement of overriding considerations was adopted.

Statute of Limitations – Filing of the NOD begins a 30-day statute of limitations for legal challenges to project approval under CEQA. If an NOD is not filed, the statute of limitations is 180 days from the date of project approval. The statute of limitations period is not a waiting period. Following acquisition of the necessary permits, the project applicant is free to begin work on the project.

Disposition of Final EIR – After certifying the Final EIR and approving the project, the lead agency must: 1) file a copy of the Final EIR with the planning agency for any locality in which significant environmental effects may occur; 2) include the EIR as part of the regular project report; 3) retain one or more copies as public records; and, 4) require the applicant to provide a copy to each responsible agency.

NEPA – EIS Process

Notice of Intent (NOI) – After deciding to prepare an EIS, the federal lead agency publishes a NOI in the Federal Register. The NOI includes a description of the proposed action including alternatives and the lead agency's proposed scoping process, and provides a project contact within the lead agency. Lead-time must be considered when publishing notices with the Federal Register. A notice is published three days after the date it is received. For example, a notice received on Monday by the Federal Register will be printed the following Thursday. This three-day period does not include time, if necessary, for making changes to the NOI if it does not meet the Federal Register's technical requirements. The federal agency may provide local notice as well, when circumstances so warrant.

Formal Scoping – Scoping is the process through which the range of actions, alternatives, and impacts to be considered in the EIS are identified. Significant issues are identified as well as issues, which are not significant or have previously been covered by environmental review. Differentiating among the issues focuses the efforts of studies.

Public Notice of the Availability (NOA) of the Draft EIS – The lead agency must file five copies of the Draft EIS with the Environmental Protection Agency in Washington, D.C., which publishes the NOA as part of a group of notices in the Federal Register. For all Draft EISs received by the close of business on Friday, the NOA will appear in the following Friday's Federal Register. The lead agency must also file several Draft EISs with the regional EPA office. No decision on the project can be made until after 90 days of the date the NOA is published in the Federal Register. The federal agency may also provide other notice, as necessary to advise other agencies and the public.

Circulation of the Draft EIS – The entire Draft EIS is circulated by the lead agency to: (1) the applicant; (2) any federal agency having jurisdiction over or expertise concerning an impact, (3) any agency having applicable environmental enforcement duties; and (4) any party who has previously requested a copy.

Public Review Period – The lead agency holds or sponsors public hearings or meetings, solicits appropriate information from the public by making available to the public the Draft EIS, comments received, and any other underlying documents. NEPA does not define the length of the public review period, although 45 days is typical.

Response to Comments and Final EIS – The lead agency prepares a Final EIS in which it assesses and considers comments received during the Draft EIS review period. Response to comments may consist of: (1) modification of alternatives including the proposed action; (2) development of new alternatives; (3) revision of the original analyses; (4) making factual corrections; and (5) explaining why the comments do not warrant further response. All substantive comments received during the Draft EIS review period should be attached to the Final EIS (see Table 2 for a listing of the contents of an EIS).

Public Notice of Availability (NOA) of the Final EIS – The NOA for the Final EIS must be published in the Federal Register by the EPA. The process is identical to the process described above for the Draft EIS. No decision on the project can be made until 30 days after the date the NOA is published in the Federal Register.

Distribution of the Final EIS – The distribution of the Final EIS is identical to the circulation of the Draft EIS except that in addition, the Final EIS is furnished to any party who has submitted comments on the Draft EIS.

Record of Decision (ROD) – After approving or disapproving the project, the lead agency prepares a ROD. Included in the ROD are: (1) the decision; (2) identification of all alternatives considered and the environmentally preferable alternative(s); and (3) whether or not mitigation measures were adopted, and if not, why not. NEPA does not specify the means for making the ROD available to the public. Some RODs are printed in the Federal Register.

Document or Action	Effect	Time Period *(in Days)*	CEQA Statute & Guidelines
Review of application for completeness	Lead Agency has 30 days to review an application for completeness. If no determination is made within this period, it will be deemed complete	30	15060 - 15101
Lead Agency acceptance of an application as complete	Begins maximum one-year period to complete EIRS or 180 days to complete Negative Declarations	360 or 180	15060 -15107 PRC 21100.2, 21151.5
Initial Study	Provides 30 days to determine whether an EIR or Neg Dec (ND) will be required	30	15102
Notice of Preparation	Provides 30 days from receipt of NOP for agencies to respond to the lead agency	30	15103
Convening of scope and content meetings	Requires a meeting requested by an agency or by the applicant to be convened within 30 days of the request	30	15104
Public review	When an environmental document is submitted to the Clearinghouse, the public review period shall be at least as long as the review set by the Clearinghouse	EIR: 30-60 ND: 20-30	15105
Review by state agencies	Provides standard 45 days for EIRs and standard 30 days for NDs, through State Clearinghouse	EIR: 45 ND: 30	15105
Completion and certification of EIR	For a private project, an EIR must be completed within one year -- May be extended once for up to 90 days	360	15108
Notice of Determination -- Filing	Provides that the notice shall be filed within five working days	5	15075 15094
Notice of Determination -- Challenges	Filing starts a 30-day statute of limitations to court challenges to the approval of the project	30	15075 15094 15112
Suspension of time limits	Unreasonable delay of document preparation caused by the applicant allows suspension of time periods in Guidelines, Sections 15107 and 15108	Varies	15109
Projects with federal involvement	Time limits may be waived or suspended by federal time requirements	Varies	15110

Table 3: Time Periods For Review Of CEQA Documents

Source: State CEQA guidelines as amended, March 29, 1999

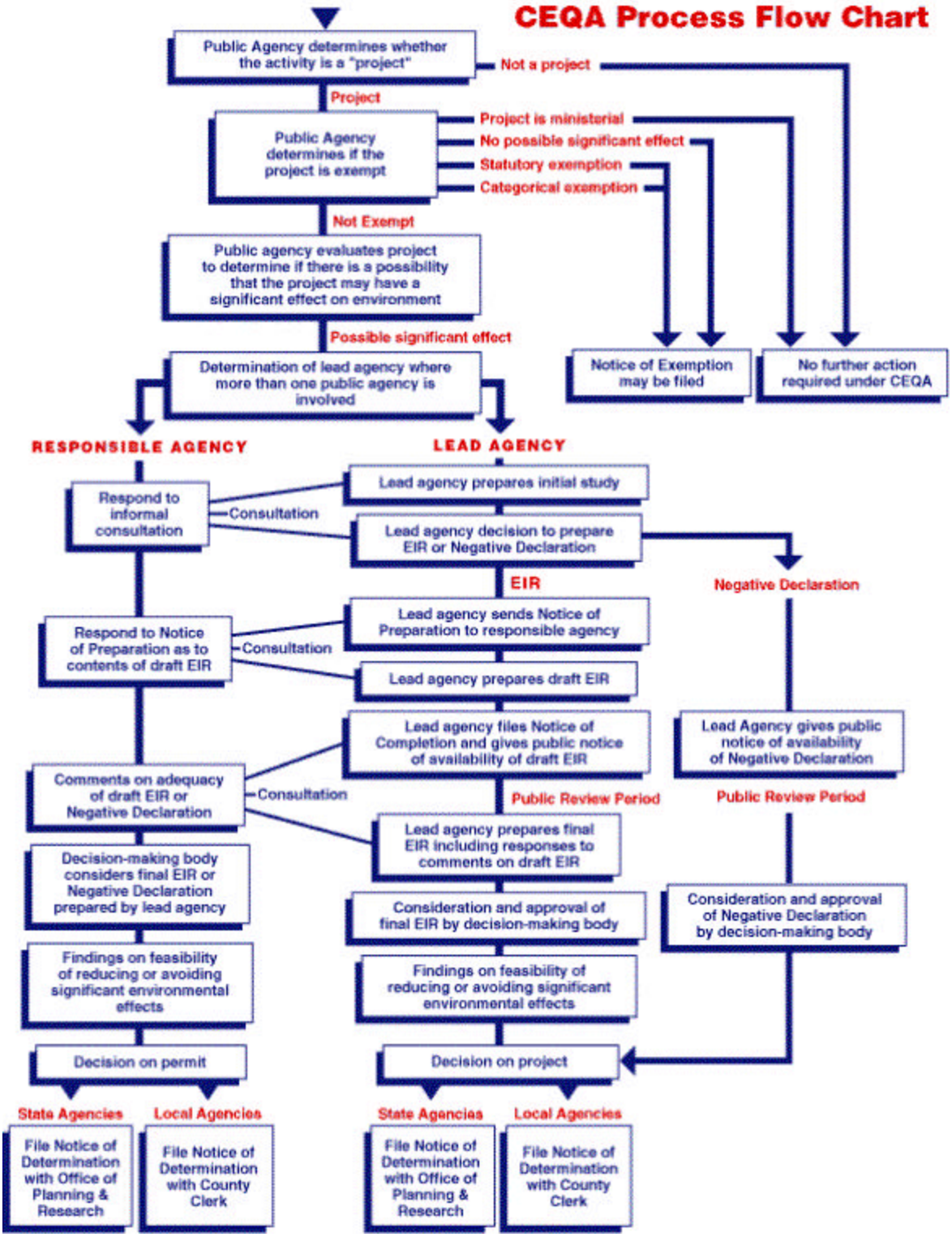

Figure 1: CEQA Process Flow Chart

Source: Appendix C, State CEQA guidelines as amended, March 29, 1999

Permit Screening Index

A. Is the project located within the following geographic areas?

Geographic Area	Agency	Permit
From 3 miles offshore to 1,000 yards inland.	Coastal Commission	Coastal permit
San Francisco, San Pablo, and Suisun Bays from high water to 100 feet inland	San Francisco Bay Conservation and Development Commission	Development permit
Lake Tahoe Watershed	Tahoe Regional Planning Agency	Development permit
Floodways in the Central Valley	The Reclamation Board	Encroachment permit

B. Does the project affect resources?

Resource	Agency	Permit
Land (local)	City and County Government	General Plan Amendment zoning Ordinance Amendment Use Permit Subdivision map approval
Water Quality (local)	City and County Government	Sewer Connection Permit
Water Quality (regional)	Regional Water Quality Control Board	Wastewater Discharge Stormwater Discharge Permit National Pollution Discharge Elimination System (if joint-source discharge)
Hazardous Materials	"CUPA" Dept. of Toxic Substances Control Regional Water Quality Control Board	Hazardous Materials Management Plan Hazardous Waste Facilities Permit Below Grade Tank Permit
Air	Air Pollution Control Districts	Authority to Construct and Permit to Operate for activities emitting pollutants into the atmosphere
Streams and Lakes	Department of Fish and Game	1600-1607 Series of Streambed Alteration Permits for activities in streams or lakes and channels and crossings
Navigable and tidal water ways	State Lands Commission	Land Use Lease for encroachments, docks, crossings on tide and submerged lands Dredging lease to dredge lands under state lands commission's jurisdiction
Streams and Lakes	Department of Fish and Game	1600-1607 Series of Streambed Alteration Permits for activities in streams or lakes and channels and crossings
Navigable and tidal water ways	State Lands Commission	Land Use Lease for encroachments, docks, crossings on tide and submerged lands Dredging lease to dredge lands under state lands commission's jurisdiction

Resource	Agency	Permit
"Surface" Water	State Water Resources Control Board, Division of Water Rights	Permit to Appropriate Water and Statement of Diversion and Use for activities diverting surface water not previously appropriated and Certificate of Registration for Small Domestic Use Appropriations
Drinking Water	Department of Health Services, Office of Drinking Water	Permit to Operate a Public Water System
Wet Lands	United States Army Corps of Engineers	"404" Permit for dredging, filling or locating a structure into waters of the U.S.
Special Status Species	California Department of Fish & Game	"2081" Permit Incidental take of State endangered species

A. Does the project involve Activity?

Activity	Agency	Permit
Power plants (50 megawatts or larger) Power plants (less than 50 megawatts) Electric transmission lines (from a Thermal power plant under CEC jurisdiction).	CA Energy Commission (CEC) City or County CA Energy Commission	Certification Application Land Use Permits Certification Application
Timber harvesting	CA Department of Forestry	Timber Operators License & Timber Harvesting Plan
Conversion of timberl & to non-forest uses through timber operations & immediate TPZ rezoning	CA Department of Forestry	Timberl&Conversion Permit
Construction of a trailer court or mobile home park	Department of Housing & Community Development	Permit to Construct
Pipelines, railroad crossings & freight charges	Public Utilities Commission	Convenience & Necessity Certificate
Solid waste facilities construction & expansion	CA Integrated Waste Management Board	Solid Waste Facility Permit
Prospecting for minerals on state lands	State Lands Commission	Prospecting permit
Right-of-way across state park land	Department of Parks & Recreation	Right-of-Way Permit
Oil, gas, or geothermal well	Department of Conservation, Division of Oil & Gas State Lands Commission	Oil, Gas, or Geothermal Well Permit Geothermal Exploration or Prospecting Permit
Storing, treating or disposing of hazardous waste	CA Environmental Protection Agency, Toxic Substances Control Division	Hazardous Waste Facilities Permit
Encroachment on or across a state highway	Department of Transportation	Encroachment Permit
All activities involving dams or reservoirs	Department of Water Resources, Division of Safety of Dams	Approval of Plans
Dredging	Department of Fish & Game State Lands Commission	Standard & Special Suction Dredging Permits Dredging Lease
Federal lands land use	Bureau of Land Management U.S. Forest Service	"Use" or authorization permits

Miscellaneous Permits

The information below identifies less common permits that are issued by State agencies. These permits are not discussed in the Permit Handbook. For additional information about these permits, please contact the specific agency identified.

California Environmental Protection Agency

State Water Resources Control Board **(916) 657-1247**

- Domestic Use Appropriations
- Permit to Appropriate Water
- Statement of Water Diversion and Use

Resources Agency

Department of Conservation **(916) 323-6733**

- Oil, Gas, or Geothermal Well Permit

State Lands Commission **(916) 574-1900**

- Geothermal Exploration or Prospecting Permit
- Mineral Prospecting Permit
- Marine Facilities Program
- Marine Salvage Permit

Department of Fish and Game **(916) 653-7664**

- Standard Suction Dredging Permit
- Special Suction Dredging Permit

Department of Forestry and Fire Protection **(916) 653-5121**

- Timber Harvesting Plan
- Timberland Conversion Permit

Department of Parks and Recreation **(916) 653-6995**

- Right of Way Permit

Health & Welfare Agency

Department of Health Services **(916) 327-6904**

- Medical Waste Facilities Permit
- Offsite Treatment of Medical Waste Permit
- Transfer Station Permit

Public Utilities Commission

Public Utilities Commission **(415) 703-2782**

- Certificate of Public Convenience and Necessity

Twelve Helpful Tips

Companies planning to develop land, expand or construct new facilities in California must obtain approvals from various government agencies concerned with the health effects and environmental impacts. The following tips can make the process easier and help you understand the process.

1. Use the services of the Office of Permit Assistance	The staff of the Office of Permit Assistance will help identify the regulatory agencies, set up meetings with them, and will help facilitate expeditious permit reviews.
2. Write a complete project description	A complete project description is crucial. This handbook contains information about how to write a complete and accurate project description. (See following section).
3. Consult early	Consultation with permitting and regulatory agencies should begin as early as possible in planning your project. At this point potential concerns can be reviewed and discussed with the Agency staff.
4. Learn the rules	Take time to study the protocols and regulations of those agencies that must approve your project. Study all applicable state, local and federal agency permitting require ments.
5. Know the regulators	Become familiar with the regulators and how they function. Attend meetings. Read previous staff reports, permit conditions, and studies relating to your project.
6. Reduce adverse environmental impacts	Design your project to eliminate or reduce as many potential health concerns and environmental impacts as possible. Consider environmentally superior alternatives. Incorporate the suggestions you learned during early consultation. Retain a competent consultant.
7. Involve the public	Plan a public participation program. Meet with them; get their ideas and views. Use press releases and announcements to keep them informed about the progress of your project. Avoid surprises.
8. Do not approach the process with an adversarial attitude	It is counterproductive to resist the permit process as you are going through it. An adversary attitude often results in hostility and could delay your project.
9. Pay attention to details	Follow all the rules. Respond promptly to requests for information. Be on time for meetings with representatives of the regulating agencies. Do not cut corners. Get in writing all dates, procedures, fees, etc.
10. Be willing to negotiate	Recognize that government regulators have a great deal of authority over your project. But they are willing to negotiate and so should you.
11. Selecting your site	Exercise your usual due diligence. Do not secure rights to a site without studying the environmental constraints and surrounding land uses. Evaluate alternative sites.
12. When in doubt, ask	If you are not sure whether your project needs a permit or whether it is regulated at all, ask. Get written confirmation. Going ahead without following the proper guidelines will ultimately cost you more time, money and goodwill.

Table 4: Twelve Helpful Hints

Writing a Project Description that can save Time and Money

Presenting the lead agency with a concise and comprehensive project description is crucial to the smooth processing of a development application. Conversely, a vague description, which does not accurately represent the proposal, or a description that is in a state of flux, makes processing unnecessarily time-consuming. Extra time spent at the beginning of a project writing a good project description can save processing time and money down the line.

Good project description contains the following elements:

A. The precise location, boundaries, and physical characteristics of the proposal illustrated on a local map and a plot plan. The type of map and detail of the plot plan may vary depending on the project type, scope, and terrain. For example, the plan for the conditional use permit for a new hospital would be more detailed than that for a simple residential zone change where no immediate development is being proposed.

B. A general description of the project's physical, operational, and environmental characteristics. These may include, but are not limited to, the following:

- The size of the project site in square feet or acres and dimensions.
- Existing and proposed land uses, and surrounding land uses.
- Existing general plan, zoning designations, and any proposed changes.
- The number of lots or dwellings proposed.
- The size of proposed industrial or commercial structures.
- The location and dimensions of the roads that will provide access and any proposed improvements.
- Expected levels of traffic on those roads.
- Impact on public works such as water and sewer, and any proposed improvements related to the project.
- Impact on applicable air quality, water quality, drainage, noise standards, and proposed actions to meet those standards.
- Any natural systems that would be disrupted such as riparian habitat, wetlands, animal and plant life, etc.
- Any historic structures or archaeological sites that would be disturbed.
- Air emissions based on equipment to be used.

C. A list of the specific permits or other approvals being applied for and the various agencies involved.

The project description should be detailed enough to allow permitting agencies to determine how their regulations and requirements would apply. Contacting permitting agencies informally before filing an application to discuss the project and applicable regulations and requirements can help inform you of the items that should be included in the project description.

CHAPTER IV - CITY OR COUNTY PERMITS

In California, the authority to regulate land use on private lands is delegated to city and county (local) governments. This chapter provides information about land use permits local governments issue. The following types of permits and land use entitlements are discussed:

- General Plan Amendment
- Zoning Ordinance Amendment
- Conditional or Special Use Permit
- Subdivision Map Act Approval
- Specific Plan

General Plan Amendment

I. Who needs a General Plan Amendment?

Every city and county in California adopts a general plan to set forth policies to guide local land development. Typically, the general plan contains a map, which identifies the location and type of allowable land uses and major public works and transportation facilities.

The general plan contains seven mandatory elements covering land use, circulation, housing, open space, safety, conservation, and noise. The plan may also contain optional elements which the city or county deems necessary. *Each element must be internally consistent with each other.*

A property owner must request the city or county to amend its general plan when their proposed development would be inconsistent with the plan. Development may proceed only if the City Council or County Board of Supervisors subsequently takes action to amend the general plan.

With two minor exceptions, the general plan may not be amended more than four times in a calendar year. Limited amendments and requirements for notice of a public hearing can significantly lengthen the time required to process an application.

II. Where should the Applicant Apply?

State law requires every city and county to designate a single administrative entity to provide information and coordinate the review of development project applications. The administrative entity is usually the planning or community development department (planning agency) of the city or county. When in doubt, contact the city or county clerk or information office.

III. What Information must the Applicant Provide upon Application?

The law requires cities and counties to list requirements for development project applications. An applicant may obtain the list and the appropriate application from the designated entity.

- For a general plan amendment, the required information includes:
- A description of the proposed land use
- A description of the proposed site and vicinity
- Identification of the land by assessor's parcel number
- Information regarding the potential environmental effects of the proposed project.

IV. What Application Fee must the Applicant Submit?

Application fees vary among cities and counties with amounts usually fixed on the basis of processing costs. A list or schedule of fees is often included as a part of the information lists and criteria.

V. How does the City or County Evaluate and Process the Application?

Criteria for Evaluation: When the planning agency accepts an application for a general plan amendment, it assigns a file number and schedules the matter for hearing before the planning commission. The planning agency reviews the proposed amendment and reports to the planning commission on matters such as the degree to which the project complies with any relevant policies in the general plan and impacts on the community that may be of concern. *Cities and counties may not approve projects that are not in compliance with general plans, but plans may be amended to incorporate a project.* The project must still go through the CEQA process.

Procedures: General plan amendments are adopted by the resolution of the city council or county board of supervisors (the governing body). The governing body, the local planning commission, and interested citizens may all suggest changes to the general plan.

General plan amendment procedures are as follows:

- After completing an environmental analysis of the project, the planning commission holds a public hearing on the proposal.
- At the hearing, the planning commission considers recommendations from the city or county planning department, interested agencies, and public testimony.
- After the commission completes its deliberations, it forwards a recommendation to the governing body;
- The governing body holds a public hearing on the proposal in which it may approve, deny or modify the proposed amendment after the public hearing.
- If the governing body modifies the amendment, it must refer it back to the planning commission for reconsideration prior to taking final action.

Appeals: The governing body makes the final decision on all general plan amendment requests. The governing body's decisions may be challenged in court.

VI. What are the Applicant's Rights and Responsibilities after the General Plan Amendment is Adopted?

The general plan confers no particular rights or obligations. However, since zoning approvals must be consistent with the general plan (with certain exceptions, see below), obtaining the appropriate land use designation in the general plan is a virtual prerequisite to obtaining most other development approvals.

VII. What are the City or County's Responsibilities Regarding a General Plan Amendment?

A city or a county may not approve a project that is inconsistent with their general plan and zoning ordinances except for specified charter cities under two million in population.

VIII. What other Agencies should the Applicant Contact?

The applicant should determine if the project involves land or resources or affects transportation facilities subject to control or regulation by a state or federal agency. The city or county receiving the application is responsible for referring the plan amendment to adjacent local governments and to all other agencies and departments within the City or County. Depending on the project, an applicant may want to contact other concerned community groups.

IX. What other Sources of Information are Available to the Applicant?

Applicants should review the general plan and any locally prepared special studies or reports that may be relevant to the project. The zoning and subdivision ordinances of the city or county should also be reviewed.

State law governing local planning is found under Government Code Section 65300. Additional information is available at the Office of Permit Assistance, within the California Technology, Trade & Commerce Agency. There are many reference texts on the subject of local planning. Three very useful books are:

- Longtin's California Land Use, 2nd edition, James Longtin (Local Government Publications, Malibu, CA)
- Curtins California Land Use and Planning Law, 20th edition, by Daniel J. Curtin, Jr. (Solano
- 1998 General Plan Guidelines (Governor's Office of Planning and Research, Sacramento, CA)

In addition, an applicant may contact the Governor's Office of Planning and Research at (916) 445-0613.

Zoning Ordinance Amendment

I. Who needs a Zoning Ordinance Amendment?

Any applicant, who proposes to develop property not currently zoned for the proposed use, must obtain a zoning amendment or zone change.

In such case, the applicant must apply for a zone change, which will permit the desired type and/or density of land use. It is recommended that the applicant meet personally with the city or county planning agency staff to determine if a zone change is feasible.

II. Where should the Applicant Apply?

State law requires every city and county to designate a single administrative entity to provide information about the local development permit process. The administrative entity is usually the city or county planning agency. When in doubt, contact the city or county clerk or the appropriate public information office.

III. What Information must the Applicant Provide upon Application?

Cities and counties are required to prepare and provide lists of the type of information required for all development project applications. The list may be obtained from the designated administrative entity. The information required for a zoning amendment usually includes a description of existing and proposed land uses, a description of the project site and vicinity, identification of the land by assessor's parcel number, and information regarding the potential environmental effects of the proposed project.

IV. What Application Fee must the Applicant Submit?

Most cities and counties charge an application fee based on the actual costs incurred in processing the application. The actual fee may vary with the scope and complexity of the proposal. A schedule of fees is usually included in the information, which the local agency must provide.

V. How does the City or County Evaluate and Process the Application?

Criteria for Evaluation: Proposed zone changes are reviewed for consistency with the general plan and for any adverse impact on neighboring land uses and the environment.

Procedure

- Zone changes are generally referred to the planning commission for its recommendation to the governing body (the city council or county board of supervisors).
- The planning commission conducts a public hearing and considers the report of the planning agency prior to making a final recommendation.
- When the governing body receives the planning commission's recommendation, it may approve, deny, or modify the proposed amendment.
- If the planning commission recommends approval, the governing body must give notice and hold a public hearing on the applications.
- If the governing body modifies the proposed amendment, it must refer the matter back to the planning commission for another recommendation. If the planning commission fails to act on the modified amendment, the referral is considered an approval of the proposed amendment.
- If the planning commission recommends denying the project, the governing body does not take further action on the matter unless otherwise provided by local ordinance, or a hearing is requested.

Appeals: The final action of a city or county on a zone change is reviewable by the Superior Court having jurisdiction.

VI. What are the Applicant's Rights and Responsibilities after the Zone Change is Enacted?

Rights: The applicant may develop and use the land in any manner permitted by the zone.

Responsibilities: Depending upon other local entitlements, building or occupancy certificates may be required when construction activity is completed.

VII. What are the City/County's Rights and Responsibilities after the Zone Change is Enacted?

Rights: Pursuant to state law and local ordinance, the city or county may subsequently amend the zoning ordinance.

Responsibilities: The city or county must enforce compliance with the zoning ordinance.

VIII. What other Agencies should the Applicant Contact?

Other state or federal agencies may have an interest in local zoning if the project also requires a permit from their agency or would affect resources within their jurisdiction.

IX What other Sources of Information are Available?

The applicant may wish to review the following publications:

- *Government Code*, Section 65800 et seq.
- The official zoning ordinance of the city or county with authority for zoning the project site
- *Longtin's California Land Use,* 2nd edition, by James Longtin (Local Government Publications, Malibu, CA)
- *Curtin's California Land Use and Planning Law,* 20th edition, by Daniel J. Curtin, Jr. (Solano Press, Pt. Arena, CA), revised annually

The applicant may also wish to contact the Governor's Office of Planning and Research at (916) 445-0613.

Conditional or Special Use Permit

I. Who needs a Conditional or Special Use Permit?

A conditional or special use permit (use permit) allows property owners to develop or "use" lands not specifically allowed “by right” within the zone in which the land is located.

Special requirements must be tailored to fit the specific location in order to avoid problems associated with the proposed use. The standards for land use in local zoning ordinances ordinarily list types of land uses within each zone that require a Use Permit. A Use Permit is not the same as a zone change or a variance.

II. Where should the Applicant Apply?

State law requires every city and county to designate a single administrative entity, usually the planning agency, to provide information and coordinate the review of development project applications. When in doubt, applicants should contact the city or county clerk or information office.

III. What Information must the Applicant Provide upon Application?

Cities and counties are required by law to prepare and provide lists of the type of information they will require for a development project application. An applicant may obtain the list and the application form from the designated entity.

For a Use Permit the required information typically includes:

- A description of the project proposal
- A description of the proposed site and vicinity
- Identification of the land by assessor's parcel number
- Information regarding the potential environmental effects of the proposed project.

IV. What Application Fee must the Applicant Submit?

Application fees vary among cities and counties: The amount is usually fixed on the basis of the actual costs for processing the application. In some jurisdictions, larger and more complex projects will involve commensurably higher fees. A list or schedule of fees is often included as a part of the information which the city or county must provide. Note that under the Fish and Game Code section 711.4 and California Code of Regulations Title 14, section 753.5, lead agencies have resumed collecting environmental filing fees.

V. How does the City or County Evaluate and Process the Application?

Criteria for Evaluation: A city or county will compare the proposed project with any adopted standards or policies applicable to the type of land use proposed or to the site in question.

The planning agency will usually propose specific requirements to be incorporated in the conditional use permit governing the design or operation of the project. A city or county may not approve a conditional use permit unless it is found to be consistent with the general plan.

Procedure: Unlike the general plan amendment or zoning change (both quasi-legislative actions) the Use Permit is an administrative action. Authority for granting a use permit is usually delegated by the governing body to an administrative zoning body such as the planning commission or a designated officer (often a “zoning administrator”) of the city or county.

When the planning agency submits its report to the planning commission, a public hearing must be noticed and held. After the hearing, the planning commission may then approve or deny the use permit.

Appeals: The city or county governing body may establish a special appeals board to determine appeals from the decisions of the planning commission.

The determinations of such an appeals body are usually final. If a special appeals board does not exist, the denial or approval of the permit may be appealed to the governing body. Applicants should understand provisions in the city or county zoning ordinance governing appeals to the governing body. Time limits for filing appeals are often short. Final decisions on appeals are subject to judicial review.

VI. What are the Applicant's Rights and Responsibilities after the Conditional or Special Use Permit is Approved?

Rights: The applicant may develop a project under the terms of the zone in which the property is located, including the special conditions incorporated in the use permit.

Responsibilities: The applicant is obligated to maintain the project within the zoning standards and special conditions. Failure to do so may result in revocation of the permit.

VII. What are the City or County's Rights and Responsibilities after the Conditional Use Permit is Granted?

Rights: Specific rights are usually spelled out in the use permit. The applicant may seek to enter into a development agreement with the city or county to limit the effect of future changes in local zoning rules, which might adversely affect the project. State law and local ordinance provide authority for development agreements. The city or county may repeal or modify the applicable zoning ordinance in the future, subject to any development agreement in effect. The city or county may also revoke the use permit for the applicant's failure to observe its terms.

Responsibilities: The city or county must enforce the terms of the use permit.

VIII. What other Agencies should the Applicant Contact?

Other state or federal agencies may have permit authority over the project if it would affect public lands or resources within their jurisdiction.

IX. What other Sources of Information are Available?

The applicant may wish to review the following publications:

- Government Code, Section 65800 et seq., state zoning law
- The official zoning ordinance of the city or county with authority for zoning the project site
- Technical publications on zoning such as Longtin's California Land Use, by James Longtin; or Curtin’s California Land Use and Planning Law, by Daniel J. Curtin, Jr.

An applicant may also wish to contact the Governor’s Office of Planning and Research at (916) 445-0613.

Subdivision Map Approval

I. Who needs a Subdivision Map Approval?

The subdivision of land for purposes of sale, lease or financing is regulated by local ordinances based on the State Subdivision Map Act (Government Code Section 66410 et seq.). The Act, which gives local agencies the power to regulate and control the design and improvement of subdivisions, has three primary goals: (1) encourage orderly community development; (2) ensure those areas dedicated for public purposes will be properly improved, and (3) protect the public from fraud and exploitation. In general, no one can divide land in California without local government approval. Local ordinances and general plans determine the design of the subdivision, the size of its lots, and the types of required improvements (street construction, sewer lines, drainage facilities, etc.)

II. Where should the Applicant Apply?

State law requires every city and county to designate a single administrative entity to provide information and to coordinate the review of development project applications. The designated agency is usually the planning agency. Many cities and counties have established an advisory agency to review subdivision map proposals and make recommendations toward approval or denial. The advisory agency may be given full power to approve or deny subdivision map proposals.

III. What Information must the Applicant Submit?

Cities and counties are required by State law to make available information they require for development project applications. The information may be obtained from the designated entity.

Cities and counties require specific information be included in a complete subdivision map application. This may include a tentative subdivision map, information on the property owners, a description of the project site's general plan and zoning designations, and information on the potential environmental effects of the subdivision.

IV. What Application Fee must the Applicant Submit?

A city or county may charge a fee in an amount not exceeding the amount reasonably required for administration of the city or county's subdivision review program. Project sponsors should recognize that the law provides for the exaction of several other types of fees in connection with subdivisions.

V. How does the City or County Evaluate and Process a Subdivision Map Approval?

Criteria for Evaluation: The purposes of the subdivision approval process are to:

- Ensure that the design and improvements of a subdivision are consistent with the improvements on adjacent lands.
- Ensure that improvements such as the dedication of public streets will be made initially by the subdivider so they will not become an undue fiscal burden on the general taxpayers of the community.
- Avoid fraudulent land sales.

To achieve these broad purposes, cities and counties evaluate proposed subdivision maps to determine whether all necessary improvements will be made in compliance with community standards for streets, drainages, and parks as well as other services provided by the city or county (such as fire protection, sewers, and public safety). Subdivisions are also reviewed for consistency with the general plan and applicable zoning ordinances.

State law requires specific findings, which must be made prior to approving a subdivision. A city or county must deny a tentative subdivision map if it finds:

- The proposed map is not consistent with applicable general and specific plans.
- The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- The site is not physically suitable for the type of development proposed.
- The site is not suitable for the proposed density of development.
- The design or improvements are likely to cause substantial environmental damage (unless certain other specified findings are made).
- The subdivision will conflict with public easements.
- The subdivision is subject to a contract under the California Land Conservation Act of 1965 and the proposed subdivision would render the land unsuitable for agriculture.
- The design of the subdivision or type of improvements is likely to cause serious public health problems.

Procedures: The subdivision approval process proceeds in the following manner:

- The sub-divider submits a tentative subdivision map describing proposed parcel boundaries, layout, and proposed design improvements.
- The city or county reviews the tentative map as specified by State law and consistent with local ordinance. The review process may involve negotiations as to the exact details of the improvements.
- The sub-divider prepares and files a final subdivision map showing the approved lots and improvements including required certificates.
- The city or county reviews the final map to determine whether it substantially conforms to the approved tentative map.
- Approval of a final map is a ministerial act, meaning that the city or county must approve the map if it conforms to the tentative map.
- The sub-divider is then entitled to record the final map as a prerequisite to selling the parcels. The procedure for processing a tentative map depends upon whether the city or county has established an advisory body, whether the advisory body may only review and make recommendations or whether the advisory body has authority to approve or deny the map.

Applicants must check with the city or county to determine which procedure applies.

Procedure where Advisory Agency may Investigate and Recommend

If the advisory agency lacks authority to approve or deny a tentative subdivision map, the agency must make a report and recommendation within 50 days after a completed tentative map is filed.

At its next regular meeting, the governing body must schedule a hearing date not more than 30 days from the date of scheduling.

If the governing body fails to act within this 30-day period or any authorized extension, the tentative map is deemed approved to the extent the map is consistent with state and local subdivision law.

The 50-day time period specified above begins after certification of an EIR, adoption of a negative declaration, or determination that the project is exempt from the California Environmental Quality Act (CEQA).

Procedure where Advisory Agency Approves or Denies a Subdivision Map

If the advisory agency has approval authority, it must approve or deny the tentative map within 50-days after the map is accepted as complete. If the advisory agency does not act within this period the tentative map is deemed approved to the extent it complies with state and local subdivision law.

The 50-day time period specified above begins after certification of an EIR, adoption of a negative declaration, or determination that the project is exempt from (CEQA).

Procedure where no Advisory Agency is Established

Where there is no advisory agency:

- The clerk of the governing body submits the map to the governing body at its next regular meeting after the tentative map has been accepted for processing.
- The governing body then approves or denies the map within 50 days.
- If the governing body fails to act within this period, the map is deemed approved to the extent it complies with applicable State and Local subdivision law.

The 50-day time period specified above begins after certification of an EIR, adoption of a negative declaration, or determination that the project is exempt from the California Environmental Quality Act (CEQA).

Appeals: An applicant may appeal the decision of an advisory agency to an appeals board established by the City or County. If an appeals board does not exist, the sponsor may appeal directly to the city council or board of supervisors.

Similar appeals rights are available to residents of an existing apartment complex, which is proposed for conversion to a subdivision. Local ordinance may provide for appeals by other interested persons as well.

VI. What are the Applicant's Rights and Responsibilities after a Tentative Subdivision Map has been Approved?

Rights: The applicant may file and record a final map.

Responsibilities: The applicant must complete all improvements and make dedications as approved in the tentative map. An approved tentative map usually expires after two years unless an extension is granted. A vesting tentative map gives the applicant the privilege of freezing the land use requirements at the time the map is approved.

If the applicant wishes to file a final subdivision map before improvements are complete, he or she must enter into improvement agreement The sponsor must still file a public report with the California Department of Real Estate.

VII. What are the City or County's Rights and Responsibilities after a Tentative Subdivision Map is Approved?

Rights: The City or County may inspect the completed improvements and dedications. They must require security to guarantee the completion of improvements, which are to be made after the final map is recorded.

Responsibilities: A City or County must approve a final subdivision map that is substantially the same as the approved tentative map. The city or county must approve the final map if it complies with the statute and local ordinances in effect at the time a vesting tentative map was approved.

VIII. What other Agencies should the Applicant Contact?

The applicant should determine whether any state or federal development permit requirements apply. In particular, a sub-divider must file and obtain approval of a subdivision report from the California Department of Real Estate prior to offering any subdivision lots for sale.

IX. What other Sources of Information are Available to the Applicant?

An applicant should obtain and study the local subdivision ordinance and any local guidelines that may be available. State law on subdivision map approval is found at Government Code, Section 66410 to 66499.58. Two very useful books are:

- *Subdivision Map Act Manual*, by Daniel J. Curtin, Jr. (Solano Press Books, Pt. Arena, CA
- *California Subdivision Map Act Practice*, by Daniel J. Curtin, Jr. and Robert E. Merritt

Specific Plan

I. Who needs a Specific Plan?

As its name implies, a specific plan is a land use plan that is more detailed or specific than a general plan. The specific plan implements the general plan by creating a bridge between general plan policies and individual development proposals. (Gov't Code Sec. 65450)

A city or county often chooses to adopt a specific plan for developments which involve multiple owners or which require detailed development policies and standards. The city or county planning department, by a consultant, or by area property owners/developers, may prepare the specific plan. Regardless of the author, the governing body must approve the contents of the plan.

Ideally, a specific plan directs all aspects of future development including the distribution of land uses, location and size of supporting infrastructure, methods of financing public improvements, and establishing development standards.

II. Where should the Applicant Apply?

State law requires that every city and county designate a single administrative entity to provide information and to coordinate the review of development project applications.

The administrative entity is usually the planning agency of the city or county. When in doubt, sponsors should check with the city or county clerk.

III. What Information must the Applicant Submit?

The type of information the applicant is required to submit depends upon whether the jurisdiction prepares the plan or whether it allows the applicant to prepare it.

In the first instance, the applicant will typically be required to file detailed project information and environmental data. In the latter case, the city or county will require the applicant to file a completed draft specific plan and environmental data.

Cities and counties are required by State law to prepare and provide lists of information, which will be required for development project applications. Applicants may obtain this information from the designated agency within city or county government.

A specific plan must contain:

- A text and diagrams, which show the distribution, location, and extent of the proposed land uses
- All public and private urban facilities needed to support land uses shown in the plan
- Standards and criteria by which development and conservation will proceed
- A program of implementation measures and financing necessary to implement the plan
- A statement of the specific plan's relationship to the general plan.

IV. What Application Fee must the Applicant Submit?

Cities and Counties may charge fees proportional to the actual cost of preparing, adopting, or amending Specific Plans.

A fee may be charged when a city or county legislative body decides to prepare and adopt a specific plan. Fees are typically charged on a pro-rata basis to land owners seeking approval of a development project consistent with the specific plan.

V. How does the City or County Evaluate and Process a Specific Plan?

Criteria for Evaluation: Specific plans must be evaluated for consistency with the general plan and must contain the information described above. No later project proposal for an area covered by the specific plan may be approved unless it is consistent with the specific plan.

Procedures: The process for adopting a Specific Plan is similar to that of a general plan. The Specific Plan will be subject to public hearings before the planning commission and governing body prior to adoption. However, unlike a general plan, which can only be adopted by resolution, a Specific Plan may be adopted by either resolution or ordinance. Once adopted, a Specific Plan may be amended according to the discretion of the governing body.

Appeals: Information regarding procedures for an appeal of a Specific Plan action may be obtained from the planning agency.

VI. What are the Applicant's Rights and Responsibilities after the Specific Plan is Approved?

Rights: Applicant's rights follow according to provisions of the Specific Plan and the manner in which it is adopted. However, a Specific Plan does not in itself convey a vested right to develop in a particular manner. The applicant may wish to enter into a development agreement with the city or county to obtain vested rights.

Responsibilities: Future development within a Specific Plan area must be consistent with that plan. If a Specific Plan is enacted by resolution, the applicant will be required to comply with the zoning and subdivision ordinances. When a Specific Plan is enacted by ordinance, the applicant will be subject to the regulations contained in the plan.

VII. What are the City or County's Rights and Responsibilities after a Specific Plan is Approved?

Responsibilities: A city or a county may not approve a later development in an area covered by a specific plan unless the proposed development is consistent with the plan. A later project, which is consistent with the Specific Plan, may be exempt from some of the requirements of CEQA in certain situations. Whenever a Specific Plan is adopted or amended, the city or county must immediately make information about the action available to the public.

VIII. What other Agencies should the Applicant Contact?

The project sponsor should determine whether the project might involve land or resources, which are subject to control or regulation by a state or federal agency. The city or county considering the specific plan is responsible for referring it to its own departments and to adjacent local governments.

Depending upon the project, the sponsor may find it appropriate to consult with community organizations and other interested persons.

IX. What other Sources of Information are Available to the Applicant?

The applicants can review the following publications:

- Government Code, Section 65450 to 65457, which deals with the Subdivision Map Act;
- The relevant ordinances or policy reports of the city and county which describe the local process for Specific Plans,
- Specific Plans in the Golden State, by the Governor’s Office of Planning and Research.

CHAPTER V - STATE PERMITS

This chapter describes the most common State environmental permits and the regulatory process that governs them. The departments, boards, and commissions that issue these permits are grouped according to the State agency in which they are organized. Also included are addresses, phone numbers and website links so that additional information about the permit or agency can be obtained.

California Environmental Protection Agency (Cal/EPA)

The mission of the California Environmental Protection Agency (Cal/EPA) is to restore, protect, and enhance the environment, to ensure public health, environmental quality and economic vitality. This section provides information about permits issued by Cal/EPA agencies. Permits issued by the following Cal/EPA agencies are discussed in this section:

- Air Pollution Control District
- Air Quality Management District
- California Integrated Waste Management Board
- Department of Pesticide Regulation
- Department of Toxic Substance Control
- Regional Water Quality Board

Air Districts (APCD or AQMD)

Authority To Construct

I. Who needs an Authority to Construct?

Any person or organization proposing to construct, modify, or operate a facility or equipment that emits pollutants from a stationary source into the atmosphere must first obtain an Authority to Construct permit from the county or air pollution control district (APCD) or air quality management district (AQMD). Air districts issue permits and monitor new and modified sources of air pollution to ensure compliance with national, state, and local emission standards and to ensure that emissions from such sources will not interfere with the attainment and maintenance of ambient air quality standards adopted by the California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (EPA).

Each air district determines which emission sources and levels have an insignificant impact on air quality and, therefore, are exempt from permit requirements. Examples of activities that may be exempt from the permit requirements include:

- Combustion equipment less than two million Btu/hr, fired on natural gas/liquefied petroleum gas.
- Stationary piston-type internal combustion engines with 50-brake horsepower or less.
- Incinerators used in residential dwellings for not more than four families.

Rules governing stationary source sitting are available on the Air Resources Board website at http://www.arb.ca.gov or in hardcopy from the districts.

Many projects also require a Prevention of Significant Deterioration (PSD) permit from the (EPA). The EPA requires this permit on a pollutant-by-pollutant basis when two conditions exist:

- The project's emissions may exceed 100 tons per year for certain industrial activities and 250 tons per year for other industrial activities.
- The project is in an area where the ambient air quality standard is not being exceeded for the pollutant that the proposed project will emit.

The types of pollutants that do not exceed ambient air quality standards vary from district to district. Applicants should contact EPA, Region IX in San Francisco to determine whether their project requires a PSD permit. The number of EPA's New Source Section is (415) 744-1254. Because a project may emit several types of pollutants, applicants may need both a PSD permit from EPA and an Authority to construct from the local air district.

II. Where should the Applicant Apply?

Applicants should direct inquiries and applications to the appropriate county or regional APCD/AQMD listed below.

Alameda County
(See Bay Area AQMD)

Alpine County
(See Great Basin Unified APCD)

MATADOR COUNTY
500 Argonaut Lane
Jackson, CA 95642-2310
APCO – Karen Hussy
Deputy APCO – Jim Harris
(209) 223-6406
(209) 223-6260 Fax

ANTELOPE VALLEY APCD
43301 Division St.
P.O. Box 4409
Lancaster, CA 93534-4409
APCO – Charles FreeCell
(661) 723-8070
(661) 723-3450 Fax

BAY AREA AQMD
(San Francisco Bay Area Air Basin)
939 Ellis Street
San Francisco, CA 94109
APCO – Ellen Garvey
Permit Services – Bill de Bois blanc
Public Information - Teresa Lee
(415) 771-6000
(415) 928-8560 Fax

BUTTE COUNTY APCD
(Sacramento Valley Air Basin)
2525 Dominic Drive, Suite J
Chico, CA 959287184
Head of APCD - Jim Thompson
APCO – Larry Dole
(530) 891-2882
(530) 891-2878 Fax

CLEAVERS COUNTY APCD
(Mountain Counties Air Basin)
Government Center
San Andreas, CA 95249-9709
Street Address:
891 Mountain Ranch Road
San Andreas, CA 95249
APCO – Jerald Howard
Deputy APCO – Lechmere Growl
(209) 754-6504
(209) 754-6521 Fax

COLUSA COUNTY APCD
(Sacramento Valley Air Basin)
100 Sunnisme Blvd., Suite F
Colusa, CA 95932-3246
APCO - Harry Krug
(530) 458-0590
(530) 458-5000 Fax

Contra Costa County
(see Bay Area AQMD)

Del Norte County
(see North Coast Unified AQMD)

EL DORADO COUNTY
(Lake Tahoe & Mountain Counties Air Basins)
2850 Fairlane Court, Building C
Placerville, CA 95667-4197
APCO – Jon Morgan
(530) 621-6662
(530) 642-1531 Fax

FEATHER RIVER
(Sacramento Valley Air Districts)
938 14th Street
Marysville, CA 95901-4149
APCO – Steve Speckert
(530) 634-7659
(530) 634-7660 Fax

Fresno County
(see San Joaquin Valley Unified APCD-Central)

GLENN COUNTY APCD
(Sacramento Valley Air Basin)
P.O. Box 351
Willows, CA 95988-0351
Street Address:
720 North Colusa Street
Willows, CA 95988-0351
APCO - Ed Romano
Technical - Rick Steward
(530) 934-6500
(530) 934-6503 Fax

GREAT BASIN UNIFIED APCD
(Great Basin Valley Air Basin)
157 Short Street, Suite 6
Bishop, CA 93514-3537
APCO - Dr. Ellen Hardebeck
Deputy APCO - Duane Ono
(760) 872-8211
(760) 872-6109 Fax

Humboldt County
(see North Coast Unified AQMD)

Inyo County
(see Great Basin Unified APCD)

KERN COUNTY APCD
(Southeast Desert Air Basin)
(see San Joaquin Valley Unified APCD)
2700 M Street, Suite 302
Bakersfield, CA 93301-2370
APCO - Joel Heinrichs
Director - Tom Paxon, P. E
(661) 862-5250
(661) 862-5251 Fax

Kings County APCD
(see San Joaquin Valley Unified APCD)

LAKE COUNTY APCD
(Lake County Air Basin)
885 Lakeport Blvd.
Lakeport, CA 95453-5405
APCO - Robert L. Reynolds
(707) 263-7000
(707) 263-0421 Fax

LASSEN COUNTY APCD
(Northeast Plateau Air Basin)
175 Russell Avenue
Susanville, CA 96130-4215
APCO - Kenneth Smith
(530) 251-8110
(530) 257-6515 Fax

Los Angeles County
(see South Coast AQMD)

Madera County APCD
(see San Joaquin Valley Unified APCD-Central)

Marin County
(see Bay Area AQMD)

MARIPOSA COUNTY APCD
(Mountain Counties Air Basin)
P.O. Box 5
Mariposa, CA 95338
Street Address:
4988 Eleventh Street
Mariposa, CA 95338
APCO - Charles B. Mosher
(209) 966-2220
(209) 966-8248 Fax

MENDOCINO COUNTY APCD
(North Coast Air Basin)
Street Address:
306 East Gobbi St.
Ukiah, CA 95482-5511
APCO – Philip Towle
(707) 463-4354
(707) 463-5707 Fax

Merced County APCD
(see San Joaquin Valley Unified APCD-Northern)

MODOC COUNTY APCD
(Northeast Plateau Air Basin)
202 West 4th Street
Alturas, CA 96101-3915
APCO – Joe Moreo
Smoke Technician – Lynn Smith
(530) 233-6419
(530) 233-5542 Fax

Mono County
(see Great Basin Unified APCD)

MOJAVE DESERT AQMD
15428 Civic Drive, Suite 200
Victorville, CA 92392-2383
APCO – Charles L. Fryxell
Deputy APCO – Eldon Heaston
(760) 245-1661
(760) 245-2699 Fax

MONTEREY BAY UNIFIED APCD
(North Central Coast Air Basin)
24580 Silver Cloud Court
Monterey, CA 93940-6536
APCO – Doug Quetin
Engineering - Fred Thoits
(831) 647-9411
(831) 647-8501 Fax

Napa County APCD
(see Bay Area AQMD)

Nevada County APCD
(see Northern Sierra AQMD)

NORTH COAST UNIFIED AQMD
(North Coast Air Basin)
2300 Myrtle Ave.
Eureka, CA 95501-3327
APCO - Wayne Morgan
Engineering - Bob Clark
(707) 443-3093
(707) 443-3099 Fax

NORTHERN SIERRA AQMD
(Mountain Counties Air Basin)
200 Litton Dr., Suite 320
P.O. Box 2509
Grass Valley, CA 95945-2509
APCO – Rod Hill
(530) 274-9360
(530) 274-7546 Fax

NORTHERN SONOMA COUNTY APCD
(North Coast Air Basin)
150 Matheson Street
Healdsburg, CA 95448-4908
APCO – Barbara Lee
(707) 433-5911
(707) 433-4823 Fax
Orange County
(see South Coast AQMD)

PLACER COUNTY APCD
(Lake Tahoe, Mountain Counties & Sacramento Valley Air Basins)
11464 B Avenue (DeWitt Center)
Auburn, CA 95603-2603
APCO – Richard Johnson
(530) 889-7130
(530) 889-7107 Fax
Plumas County
(see Northern Sierra AQMD)

Riverside County
(see South Coast AQMD)

SACRAMENTO METROPOLITAN AQMD
(Sacramento Valley Air Basin)
777-12th Street, Third Floor
Sacramento, CA 95814-1908
APCO - Norman D. Covell
Permitting - Bruce Nixon
Rules – Aleta Kennard
(916) 874-4800
(916) 874-4899 Fax
San Benito County
(see Monterey Bay Unified APCD)

SAN DIEGO COUNTY APCD
(San Diego Air Basin)
9150 Chesapeake Drive
San Diego, CA 92123-1096
APCO - Richard J. Sommerville
(858) 650-4700
(858) 650-4659/650-4658 Fax

San Francisco County
(see Bay Area AQMD)

San Joaquin County APCD
(see San Joaquin Valley Unified APDC)

SAN JOAQUIN VALLEY UNIFIED APCD
Central-Fresno, Kings, Madera
APCO - David L. Crow,
Deputy APCO - Mark Boese
1990 E. Gettysburg
Fresno, CA 93726
(559) 230-6061 Fax
(559) 230-6000
Northern-Merced, Stanislaus, San Joaquin
(209) 557-6400
Southern-Tulare, Kern
(661) 326-6900

SAN LUIS OBISPO COUNTY APCD
(South Central Coast Air Basin)
3433 Roberto Court
San Luis Obispo, CA 93401-7126
APCO - Robert W. Carr
Engineer - David W. Dixon
(805) 781-5912
(805) 781-1002 Fax
San Mateo County
(see Bay Area AQMD)

SANTA BARBARA COUNTY
(South Central Coast Air Basin)
26 Castilian Drive, B-23
Goleta, CA 93117-3027
(805) 961-8800
APCO – Doug Allard
(805) 961-8801 Fax

Santa Clara County
(see Bay Area AQMD)

Santa Cruz County
(see Monterey Bay Unified APCD)

SHASTA COUNTY
(Sacramento Valley Air Basins)
1855 Placer Street, Ste. 101
Redding, CA 96001-1759
APCO - R. Michael Kussow
(530) 225-5674
(530) 225-5237 Fax

Sierra County
(see Northern Sierra AQMD)

SISKIYOU COUNTY APCD
(Northeast Plateau Air Basin)
525 South Foothill Drive
Yreka, CA 96097-3036
APCO – William J. Stephans
Assistant APCO – Eldon Beck
(530) 841-4029
(530) 842-6690 Fax

Solano County
(see Yolo-Solano APCD)

Sonoma County
(see Northern Sonoma County or North Coast Unified AQMD)

SOUTH COAST AQMD
(South Coast Air Basin)
21865 East Copely Drive
Diamond Bar, CA 91765-4182
Executive Officer – Dr. Barry Wallerstein
Engineering and Compliance – Carol Coy
(909) 396-2000
(909) 396-3340 Fax

Stanislaus County APCD
(see San Joaquin Valley Unified APCD)

TEHAMA COUNTY APCD
(Sacramento Valley Air Basin)
P.O. Box 38
1750 Walnut Street
Red Bluff, CA 96080-0038
APCO – Mark D. Black
Asst. APCO - Gary Bovee
(530) 527-3717
(530) 527-0959 Fax

Tulare County APCD
(see San Joaquin Valley Unified APCD)

TUOLUMNE COUNTY APCD
(Mountain Counties Air Basin)
2 South Green Street
Sonora, CA 95370-4618
Street Address:
22365 Airport
Columbia, CA 95310
APCO - Gerald A. Benincasa
Deputy APCO - Mike Waugh
(209) 533-5693
(209) 533-5520 Fax

VENTURA COUNTY APCD
(South Central Coast Air Basin)
669 County Square Drive
Ventura, CA 93003-5417
APCO - Richard H. Baldwin
Engineering/Permits - Karl Krause
(805) 645-1440
(805) 654-1444 Fax

YOLO-SOLANO APCD
(Sacramento Valley Air Basin)
1947 Galileo Court, Suite 103
Davis, California 95616-4882
APCO – Larry Greene
(530) 757-3650
(530) 757-3670 Fax

Table 5: APCD/AQMD Contacts

III. What Information should the Applicant Provide upon Application?

Each air district uses its own application form for an Authority to Construct permit, generally requesting the following information:

- Description of the business and industrial process, including all types of material used and the products manufactured, as well as wastes generated. This description should also include the type of air pollution control equipment by design, size, or its anticipated degree of control. Applicants should also describe the types of fuels to be used, their rates of use, and the sulfur and nitrogen content of the fuels.
- Detailed description of the equipment to be used, including the size, and type, for the entire unit or major part of each unit. This description should include all auxiliary equipment and the location, size, and shape of all features, which may influence the production, collection, or control of air contaminants. If the equipment uses burners, the description should specify the type, size, and maximum capacity of each burner.
- Identification numbers of existing air district permits, if any.
- Operating schedule for emission sources by hours per day, days per week, and weeks per year, including preventative maintenance schedules.
- Description of how the applicant intends to comply with the requirements of the California Environmental Quality Act (CEQA).

IV. What Application Fee must the Applicant Submit?

Each air district sets its own filing fees for the application. Applicants may expect to pay from $100 to $20,000 in major metropolitan areas. Air districts also charge a permit fee, generally greater than the filing fee, based on the size of the project.

V. How Does the Air District Evaluate and Process the Application?

Criteria for Evaluation: The California Air Resources Board and EPA have established standards based on public health considerations, which govern the quality of the surrounding atmosphere, known as ambient air quality standards. Emission limits for specific types of equipment have been established in order to assure that ambient standards are attained and maintained. In addition to emission limits and ambient air quality standards, air districts have adopted what are commonly known as New Source Review Rules. Some districts regulate toxic air contaminants (for which there are no ambient standards) in order to prevent endangerment of the public health. Applicants may be required to provide information, risk assessments, and control methods for these pollutants in such districts.

New Source Review Rules regulate new or modified sources, which emit or have the potential to emit any pollutant, or precursor to such pollutant, for which there is a state or national ambient air quality standard. Standards exist for sulfur dioxide, nitrogen dioxide, ozone, particulate matter smaller than 10 microns, and carbon monoxide, among others. There are two major requirements in each district. The first one is New Source Review Rule: Best Available Control Technology (BACT) and the second one is offsets. Many air districts require BACT and offsets for any small increase (e.g. 25lbs/day) in emissions from a new or modified stationary source, as opposed to a mobile source. Others have established emission thresholds, which trigger BACT and offset requirements when emission increases from new or modified sources exceed these thresholds.

A new or modified stationary source, which triggers district-offset requirements, must reduce emissions from the same or other existing stationary source to mitigate the effect of new or increased emissions on ambient air quality. The amount of offsets required is dependent upon the distance between the source of offsets and the new or modified source. Offset distance ratios range from 1:1 for reductions occurring within the same stationary source to 3:1 and higher for reductions occurring 50 miles or more and within the same air basin from the new or modified source. For example, an applicant proposing a new or modified source producing 1,000 pounds of pollutants per day with the use of BACT, would be required to obtain reductions totaling 1,200 (1.2:1 offset ratio for source within 15 miles) pounds of pollutants per day from other existing sources.

If an applicant obtains emission offsets outside the areas described above, or if one type of pollutant is offset against another type, the applicant must show through modeling that these offsets will result in a net benefit to air quality. Modeling combines the emission rates from the facility with identified meteorological conditions to indicate the point of maximum concentration at ground level. The emission reduction from these offsets must improve the air quality in the area affected by the emissions from the source.

If applicants reduce emissions below actual emission levels allowed by the local air district, they may in some cases "bank" the reduction in actual emissions for use as offsets for future projects. Emissions banked in this manner can be used as offsets by the applicant or sold, in whole or part, to other sources seeking offsets.

Procedures: Each air district adopts specific procedures for evaluating permit applications. In general, the local air district staff reviews the application to determine whether it contains complete and accurate information. If not, staff returns it to the applicant specifying what additional information must be provided. When the air district accepts the application as complete, staff evaluates it for conformance with the district and state air quality regulations, national emissions limitations, and national and state ambient air quality standards.

In addition to evaluating criteria pollutant emissions from the proposed source, the air districts will also evaluate whether there exists potential to emit non-criteria pollutant emissions or toxic air contaminants from the proposed facility.

The air districts' evaluation of non-criteria pollutants will include estimating the amount and composition of identifiable toxic compound emissions that originate from the source. These estimates are used to predict public exposure to specified toxic compounds. When these predictions are used along with population density and health data, they can serve as the basis for an assessment of risk to public health. The determination of what is an acceptable public health risk from exposure to non-criteria air pollutants is normally made at the local government level.

In addition to air districts' evaluation of non-criteria pollutants, the ARB has established a process under state law for identifying toxic air contaminants and developing control measures. Toxic air contaminant regulations developed pursuant to this process are adopted and enforced by air districts. These regulations must be as effective as control measures developed by the ARB.

After completing the evaluation, the air pollution control officer (APCO) decides whether to approve, conditionally approve, or disapprove an Authority to Construct. The APCO writes a preliminary decision and publishes a notice providing 30 days for the ARB, the EPA, and the public to submit written comments about the preliminary decision. The APCO must consider all written comments and make a final decision within 180 days after accepting an application as complete.

The air district may take about four to six months to review an application for an Authority to Construct.

Appeals: If the APCO denies an Authority to Construct, the applicant may appeal the decision within ten days of the denial notice to the district's Hearing Board. The applicant must file a petition with the hearing board and submit a fee. The petition usually includes:

- Petitioner's name, address, and telephone number.
- Type of business or activity involved in the application.
- Brief description of the article, machine, or equipment involved in the application.
- Reasons for the denial and the appeal.

The hearing (board) conducts a public hearing at which the applicant, air district staff, and the general public may present testimony. The Board must reach a decision within 30 days of receipt of the appeal, unless the applicant and the air district agree to additional time.

The Board mails a copy of its decision to the applicant, the air district, and all persons who testified at the public hearing. The decision contains a brief statement of facts found by the Board to be true, the Board's determination of the issues involved, and its order. This decision generally becomes effective 30 days after the Board mails the copies to the parties listed above.

VI. What are the Applicant's Rights and Responsibilities after the Permit is Granted?

Rights: The applicant may begin the approved construction or modification according to the terms and conditions of the Authority to Construct. The permit remains valid for a specified period. The air district may, under certain conditions, extend the deadline if construction is not complete.

Responsibilities: The applicant may not transfer the Authority to Construct to another party. The applicant must comply with all conditions included in the permit. The applicants may also be required to ensure that Permits to Operate, which are held by a source, which is being used as an offset, are kept in compliance.

VII. What are the Air District's Rights and Responsibilities after the Permit is Granted?

Rights: The air district may, after holding a public hearing, revoke an Authority to Construct permit if it finds that the applicant has violated any district rules, regulations, or permit conditions.

Responsibilities: The air districts are responsible for ensuring that ambient air quality standards are attained and maintained in their respective air basins.

VIII. What other Agencies should the Applicant Contact?

The applicant should consider whether the agencies listed below must issue permits for the proposed project:

A. Local - City, county or special district

B. State - Coastal Commission

Department of Conservation

Division of Oil and Gas

Department of Fish and Game

Department of Forestry

The Reclamation Board

Regional Water Quality Control Board

San Francisco Bay Conservation and Development Commission

Integrated Waste Management Board

State Lands Commission

State Water Resources Control Board

Tahoe Regional Planning Agency

C. Federal - United States Army Corps of Engineers

United States Environmental Protection Agency

Note: See Appendix D for telephone numbers and Internet addresses.

IX. What other Sources of Information are Available to the Applicant?

The applicant may refer to the publications listed below for further information about the Authority to Construct:

- Rules and Regulations/Permit Applications, published by each air district
- Clean Air Act (42 U.S.C. 1857 et seq.)
- Code of Federal Regulations, Review of New Sources and Modifications, 40 CFR 51.18
- Code of Federal Regulations, Emission Offset Interpretative Ruling, 40 CFR, Part 51, Appendix S
- Code of Federal Regulations, Prevention of Significant Deterioration, 40 CFR 51.24
- California Air Pollution Control Laws, published annually by the Air Resources Board
- Clean Air Act Amendments of 1990, (42 U.S.C. 7401 et seq.)

These publications are generally available at air district offices, county or state law libraries, or the California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

Operating Permit

I. Who needs an Operating Permit?

With few exceptions, anyone operating a facility that emits air pollutants must obtain an operating permit from the local air pollution control district (APCD) or the air quality management district (AQMD). The APDC or AQMD are referred to as air districts in the text below. The operating permits of major facilities will need to include federal Title V requirements in addition to local district requirements. For the purposes of Title V, major facilities are determined based upon the type and amount of emissions and, in some cases, the severity of air pollution problems in the area where the facility is located.

II. Where should the Applicant Apply?

Applicants should direct inquiries and applications to the APCD that issued the Authority to Construct permit.

III. What Information should the Applicant Provide upon Application?

Each air district uses its own application form for the Permit to Operate. In general, the air district asks the applicant to certify that the applicant completed the construction according to the terms and conditions of the Authority to Construct and the facility will meet the district's regulations. In addition, the applicant of a facility subject to Title V requirements will need to certify that the facility will comply with any applicable federal requirements.

IV. What Application Fee must the Applicant Submit?

Each air district establishes its own Permit to Operate fee schedule. The air district will generally charge the applicant a permit fee equal to that paid for the Authority to Construct, not including the initial filing fee. If the air district must collect samples to analyze the emission from any source, it will charge the applicant a fee to cover its expenses. The district may require an additional fee for facilities with Title V requirements. Fees range from $100 to $10,000 in major metropolitan areas.

V. How does the Air District Evaluate and Process the Application?

Criteria for Evaluation: The air district evaluates applications for a Permit to Operate to determine whether the applicant constructed the facility according to the conditions of the Authority to Construct. The air district also determines whether the applicant will comply with the district's rules and regulations when operating the facility. The air district will also determine compliance with applicable federal regulations in the case of facilities with Title V requirements. A compliance source test may be required. If required, the test must be conducted by the district or by an approved independent source-testing consultant.

Procedures: The air district conducts, or directs the applicant to conduct, an inspection of the above facility to determine whether it meets the criteria described above. If the facility is acceptable, the Air Pollution Control Officer (APCO) issues the Operating Permit. This process generally takes from one to four months. Depending on the Air District, the Operating Permit is usually valid for one year. With respect to Title V requirements, if they apply, the permit is usually valid for five years.

Appeals: If the APCO denies the Permit to Operate, the applicant may appeal the decision to the district's Hearing Board within ten days of the denial notice. The applicant must file a petition with the hearing board and submit a fee ranging from $25 to $250. This petition must include:

- The petitioner's name, address, and telephone number.
- The type of business or activity involved in the application.

- A brief description of the article, machine, or equipment involved in the application.
- The reasons for the denial and the appeal.

The hearing board conducts a public hearing to consider the appeal at which the applicant, air district staff, and the general public may present testimony. The hearing board must reach a decision within 30 days of receipt of the appeal, unless the applicant and the air district agree to an additional 30 days.

The hearing board mails a copy of its decision to the applicant, the air district, and all persons who testified at the public hearing. The decision contains a brief statement of facts found by the board to be true, the board's determination of the issues involved, and its order. The decision generally becomes effective 30 days after the board mails the copies to the parties listed above. However, the Board has no authority in those cases where the U.S. Environmental Protection Agency denies an operating permit based upon lack of compliance with Title V requirements.

VI. What are the Applicant's Rights and Responsibilities after the Permit Is Granted?

Rights: To renew a Permit to Operate, the applicant may be required to pay a renewal fee, which must be paid before the termination date of the existing permit. The U.S. Environmental Protection Agency, or the air district if requested by the agency, may revoke an operating permit if Title V requirements have been violated.

Responsibilities: The air districts are responsible for ensuring that facilities continue to operate according to district rules and regulations and in compliance with applicable Title V requirements.

VII. What are the Air District's Rights and Responsibilities After the Permit Is Granted?

Rights: The air district may revoke a Permit to Operate if the applicant has not begun operating the facility within one year of completing construction. The hearing board may revoke a Permit to Operate if it finds, after a public hearing, that the developer-applicant has violated any district rules and regulations.

Responsibilities: The air districts are responsible for ensuring that emission sources continue to operate according to the rules and regulations of their respective districts.

VIII. What other Agencies should the Applicant Contact?

By the time the applicant has applied for the permit to operate, all other required development permits should have been obtained.

IX. What other Sources of Information are Available to the Applicant?

Applicants may wish to refer to the publications listed below for further information about air quality regulations:

- Rules and regulations/permit applications, published by each air district
- Clean Air Act (42 U.S.C. 1857 et seq.)
- California Health and Safety Code, Sections 39000-43834
- California Air Pollution Control Laws, published annually by the Air Resources Board.

These publications are available at local APCD/AQMD offices, county or state law libraries, and from the Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

California Integrated Waste Management Board

Solid Waste Facility Permits

I. Who needs a Solid Waste Facility Permit?

The California Integrated Waste Management Board (CIWMB) regulates solid waste handling, processing and disposal activities. These include the operation of landfills, transfer-processing stations, material recovery facilities, compost facilities and waste to energy facilities. Until recently, virtually all solid waste handling activities were subject to the requirement of first obtaining a "full" solid waste facility permit or an exemption from the requirement of obtaining this permit from the local enforcement agency (LEA) with jurisdiction over the proposed site. CIWMB must concur in the issuance of the full permit before it is issued.

CIWMB is currently implementing regulations which exclude some activities from permitting requirements; allow others to operate after making a notification to the LEA, and others to operate with less burdensome forms of a permit. Some activities still require the full solid waste facility permit.

There are now five *tiers* of regulation for solid waste handling activities:

- Excluded Solid Waste Handling
- Enforcement Agency Notification
- Registration Permit
- Standardized Permit
- Full Permit.

The first two tiers do not require a solid waste facility permit, while the latter three do. The tier in which an activity is slotted depends not only on the type of activity, but also the type and amount of solid waste being handled.

II. Where should a Prospective Operator Apply?

A prospective operator should contact the local enforcement agency with jurisdiction over the proposed activity to determine into which tier the proposed activity falls. Any applicable notification or permit application would then be made to that LEA. The applicant may obtain the name, address, and telephone number of the LEA from the local public health department or CIWMB. When there is no LEA, CIWMB acts as the enforcement agency. The applicant may contact CIWMB at:

California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-2200

III. What Information should a Prospective Operator Provide upon Application?

Whether an application is required and what information must be submitted varies considerably depending on which tier an activity is placed. Should an application be required, it must be submitted on a form approved by CIWMB for that tier. The appropriate application form and information on what materials should accompany the application form may be obtained from the LEA, or CIWMB where there is no LEA.

IV. What Application Fee should the Applicant Submit?

The LEAs may charge a filing fee that varies from jurisdiction to jurisdiction.

V. How Does the LEA and CIWMB Evaluate and Process the Application?

The level of evaluation and processing depends on the type of activity and into what tier it falls. For more information on evaluation, processing, and timelines, contact the applicable LEA or the CIWMB.

VI. What are the Applicant's (Operator's) Rights and Responsibilities after a Permit is Granted?

The permit gives the applicant the right to operate the facility as described in the application package. It also describes the conditions placed on the facility's operations. The conditions in the registration and standardized permits are set forth in regulation. LEAs may specify unique conditions only in full permits.

Should an operator propose to change the design and/or operation of the facility, it may be necessary to file an application for a new permit in the case of the registration and standardized permits, or file an application to the LEA to modify or revise a full permit at least 150 days prior to implementing the change(s). The determination as to the need to apply for a new, revised, or modified permit rests primarily with the LEA.

Operators of solid waste facilities with standardized or registration permits must notify the LEA if a person, who owns property on which the solid waste facility is located, is encumbering, selling, transferring, or conveying the property, or part thereof, or allowing the property, or part thereof, to be encumbered, sold transferred, or conveyed. The operator shall notify the enforcement agency at least 15 days prior to such action by the owner, or within seven days of receiving notice of such action by the owner, whichever comes first.

An owner or operator of a facility or disposal site operating under a full permit who plans to encumber, sell, transfer, or convey the ownership or operations of the facility or disposal site shall notify the LEA and CIWMB 45 days prior to the date of the anticipated transfer.

VII. What are the Enforcement Agencies' Rights and Responsibilities after the Permit is Granted?

Any activity falling into any of the five tiers may be inspected by the enforcement agency. Activities falling into the excluded solid waste-handling tier may be inspected to determine if the activity truly belongs in that tier. If in the other tiers, the LEA may inspect to determine whether it is operating within the State Minimum Standards for Solid Waste Handling and Disposal as listed in regulation.

Permitted facilities (whether registration, standardized, or full) are inspected monthly. The LEA may conduct periodic investigations, as it deems necessary (for example, in response to a written allegation), to insure compliance with all enactments. If the LEA, or CIWMB , determines that a facility violates the permit, the law or regulations pertaining to CIWMB, and/or poses an imminent threat to life or health, it may take action to correct the situation. Under some circumstances, the operator may be charged for any costs incurred.

LEAs may take action to modify, suspend, or revoke permits when they determine that:

- The operator has violated a term or condition of the permit.
- The operator misrepresented or failed to disclose facts in obtaining the permit.
- The facility's operator has not complied with the law or the rules and regulations of CIWMB or the local agency.
- Such action is necessary to protect public health, safety, and welfare and the environment.

Enforcement agencies shall enforce the state and local minimum standards for solid waste collection, handling, storage, and disposal for the protection of the environment and for the protection of the public health and safety.

VIII. What other Agencies should the Applicant Contact?

Those seeking to engage in a solid waste related activity should investigate the permit authority of the following agencies to determine whether they have jurisdiction over the project:

A. Local - City or county health department (LEA)

Building department

Sanitation department

Planning department

B. State - Regional Water Quality Control Board

Air Pollution Control or Air Quality Management District

Department of Toxic Substances Control

California Coastal Commission

Department of Fish and Game

Tahoe Regional Planning Agency

IX. What other Sources of Information are Available to the Applicant?

Prospective operators may refer to the publications listed below for more information on solid waste facility regulation.

- California Code of Regulations, Title 14, Division 7
- The Public Resources Code, Section 40000 et seq.
- The Public Resources Code, Section 21000 et seq. (contains information on the California Environmental Quality Act)

These publications are generally available for review at CIWMB, LEA offices, county law libraries, and the State Library in Sacramento. You may purchase Title 14, Division 7, of the California Code of Regulations from Barclays Law Publishers by calling (415) 244-6611 or (818) 551-2800

Department of Pesticide Regulation

Restricted Materials Permit

I. Who needs a Restricted Materials Permit?

Any person who purchases a California restricted material for possession and use in California. Restricted materials shall be possessed or used only under permit of the commissioner or under his direct supervision, or under permit of the director in any county in which there is no commissioner. Except as provided in accordance with Title 3, California Code of Regulations Sections 6400, 6412, 6414 and 6416.

II. Where should the Applicant Apply?

The applicant must apply to the county agricultural commissioner where the restricted material will be possessed or used. If there is no county agricultural commissioner in that county, the applicant must apply with the Director, Department of Pesticide Regulation.

III. What Information should the Applicant Submit upon Application?

The applicant must complete the application and permit form provided or approved by the Director, Department of Pesticide Regulation. Each application for a permit must include all the information required by Title 3, California Code of Regulation Section 6428. Application for permit for nonagricultural use of a pesticide must include all the information required by Title 3, California Code of Regulation Section 6430.

IV. What Application Fee should the Applicant Submit?

No application fee is required.

V. How does the Department of Pesticide Regulation Evaluate and Process Application?

Criteria for Evaluation: Each commissioner, or the director, determines if a substantial adverse environmental impact may result from the use of a pesticide requiring a permit.

Procedures: If the commissioner or director determines that a substantial adverse environmental impact will likely occur from the use of the pesticide: the commissioner or director shall determine if there is a feasible alternative, including the alternative of no pesticide application, or feasible mitigation measure that would substantially reduce the adverse impact. If the commissioner or director determines that there is a feasible alternative or feasible mitigation measure that significantly reduces the environmental impact, the permit or intended pesticide application will be denied or conditioned on the utilization of the mitigation measure. When the commissioner or director determines that there is a likelihood that permit conditions have been or will be violated, he or she must take appropriate action to assure compliance.

In addition to the requirements of Title 3, California Code of Regulation Sections 6428 and 6430, each permit must contain the following:

- Conditions or limitations on the use of the pesticide(s) including available Pesticide Safety Information Series leaflets for each pesticide included on the permit.
- Requirements, if any, for notice prior to an agricultural use pesticide application. In case of nonagricultural use, notice shall be required to the extent it is necessary to comply with inspection responsibilities and with the monitoring requirements of Title 3, CCR Section 6436; and
- Conditions or limitations such as those described in available pest management guides. The commissioner must inform the permitte of, and where to obtain, any pest management guide applicable to the pest control authorized in the permit.

VI. What are the Applicant's Rights and Responsibilities after the Permit is Granted?

Rights: The applicant's permit are issued seasonally, annually or for three years. It is up to the permittee to renew the permit after it expires. To do so, the renewal applicant must file a new restricted materials permit application with the commissioner or with the director if there is no commissioner in that county. The commissioner or director will reissue the restricted materials permit if the permit requirements are met.

Responsibilities: The applicant is responsible for compliance with all the permit conditions.

VII. What are the Department of Pesticide Regulation's and the County Agricultural Commissioner's Rights and Responsibilities After the Permit is Granted?

Rights: The commissioner or director may require the permittee to discontinue the pesticide application if it violates the conditions of the permit or has misrepresented the activity to obtain the permit. They may issue, refuse, revoke, or suspend a restricted materials permit.

Responsibilities: The commissioner and director are responsible for protecting human health and the environment by regulating pesticide sales and use and fostering reduced-risk pest management.

VIII. What other Agencies should the Applicant Contact?

The commissioner or director will identify whom they should contact when they obtain their restricted material permit.

IX. What other Sources of Information are Available to the Applicant?

The California Food and Agricultural Code is generally available for review at county law libraries and the State Library in Sacramento or may be purchased from various legal publishers. Excerpts of the California Code of Regulations may be purchased from:

Barclay Law Publishers
Post Office Box 6000
San Francisco, CA 94160-2021.

The California Code of Regulations is also available for review on Department of Pesticide Regulation's website www.cdpr.ca.gov.

Department of Toxic Substances Control (DTSC)

Hazardous Waste Facilities Permit

I. Who needs a Hazardous Waste Facility Permit?

Any person who stores, treats or disposes of hazardous waste as described in the Hazardous Waste Control Law (Health and Safety Code, Division 20, Chapter 6.5) must obtain a permit to operate from the Department of Toxic Substances Control (DTSC). A separate permit from the U. S. Environmental Protection Agency is not needed after August 1, 1992. California has been granted authorization to issue permits equivalent to the federal program.

Hazardous waste is defined as waste or a combination of wastes that, because of quantity, concentration, or physical or chemical characteristics, may either:

- Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness;
- Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Types of facilities that require a Hazardous Waste Facility Permit or other authorization are:

Storage **–** onsite facilities (i.e., facilities that treat their own waste) that store wastes in tanks or containers for longer than 90 days; offsite facilities (i.e., facilities that accept wastes generated at other locations or by other businesses) that store for any length of time; or transfer facilities that hold hazardous waste for periods greater than 144 hours (refer to Health and Safety Code section 25123.3 for additional detail). Certain transfer facility activities can occur without a permit for up to ten days as long as the area is zoned for industrial uses. In addition, permit requirements have been eliminated for storing large volumes of liquid hazardous waste in tanks. It also allows small generators (of less than 1,000 kg/month) to accumulate up to 180 days, and up to 270 days if they are located over 200 miles from an offsite treatment, storage, or disposal facility. See Title 22, CCR Section 66262.34 (d).

Treatment **–** onsite or offsite facilities that perform any treatment process other than adding absorbent material to waste in a container, or adding waste to absorbent material in a container. This category also includes incinerators (e.g. rotary kiln, fluidized bed, liquid injection) and land applications (e.g., land farming). Some limited categories of treatment are now exempt from permitting requirements: Dry cleaners treating less than 180 gallons of perchlorethylene (PCE) per month, companies treating less than ten gallons per month of spent photographic solution to recover the silver, and companies neutralizing food processing or demineralizer wastes.

Disposal **–** onsite or offsite facilities that dispose of treated waste into the land (e.g., landfills, deep well injection).

Resource Recovery **–** facilities that treat hazardous waste streams to recover usable components and reduce the amount of waste that must be disposed. Some onsite recycling may be exempted from permit requirements under specified conditions contained in HSC section 25143.2.

Persons desiring to transport hazardous waste must file an application for transporter registration with DTSC. This application differs from the procedures for a permit application. Applicants should contact the DTSC Transportation Unit at (916) 324-2430, and the Department of Motor Vehicles "Pull Notice" program at (916) 657-6346, for further requirements and information. No authorization is needed for a generator to transport less than 50 pounds or five gallons of their own waste, as long as they transport the

Pre-application Assistance

The Department has established a Fee for Service Program that includes the following three separate elements:

- ***Element One*** – pre-application assistance consisting of application guidance, pre- submittal meetings, and general technical assistance. These services will be provided at no cost to the applicant.
- ***Element Two*** – consultative assistance in preparation of a technically complete application, permit modification or closure plan, including a draft California Environmental Quality Act (CEQA) initial study, if necessary. These services will be provided under a Memorandum of Understanding (MOU) and the applicant will be billed monthly for these services based on DTSC's costs to provide them. See Appendix A for a model MOU.
- ***Element Three*** – permit determination processing consisting of a complete permit review and compliance with CEQA utilizing DTSC's process, procedures, public participation requirements and standards. These services will be provided under a MOU and are paid for by billing the applicant monthly, based on DTSC's costs to provide them. The applicant will initially provide an up-front payment equal to the amount of the activity fee applicable for the particular facility and permitting activity. Monthly billings against this payment will be made until the project is completed. For further information, you may contact the appropriate DTSC regional office.

Tiered Permitting

Certain treatment and storage activities for hazardous wastes that do not require a Federal Resource Conservation and Recovery Act (RCRA) Permit are eligible for Tiered Permitting. The California Legislature enacted AB 1772 (Chapter 1345, 1992), the Wright-Polanco-Lempert Hazardous Waste Treatment Permit Reform Act of 1992, which matches the requirements placed on hazardous waste facilities more closely to the hazard posed by that facility's operations. Under AB 1772, State law no longer requires all businesses treating hazardous waste to submit lengthy disclosure of personal information. Facility and activity fees for many businesses are reduced. Many businesses will be allowed to carry out and self-certify the environmental investigation of their facility. Other requirements are eliminated or reduced for many facilities. AB 1772 also establishes a standardized permitting process for certain treatment and/or storage activities. The five tiers established in AB 1772 for authorizing treatment and/or storage of hazardous waste, in descending order of regulatory burden are:

- The Federally-equivalent "full" permit tier
- The "Standardized Permit" tier for treatment and/or storage
- The "Permit by Rule" tier for onsite treatment
- The "Conditional Authorization" tier for onsite treatment
- The "Conditional Exemption" tier for onsite treatment.

The following is a brief explanation of the tiers of authorization to treat, store, or dispose of hazardous waste:

Full Permit - All facilities required to obtain a treatment, storage, or disposal permit under federal law, as well as State-regulated land disposal and incineration facilities, are included in this category. These facilities must comply with permitted facility requirements (California Code of Regulations, Title 22, Division 4.5, Chapter 14, 66264.1 et. seq.). This tier involves considerable document preparation and review, substantial fees, and various other requirements. This tier is unchanged by AB 1772. If you need application forms for a full permit or need further information, please contact the appropriate regional office at the number listed on the list following this section (Health and Safety Code 25201).

Standardized Permit - This applies to many non-RCRA regulated treatment or storage facilities (e.g., precious metals recycling). In 1995, Senate Bill 1291 (Chapter 536-94) added activities that are more than permit by rule. In lieu of the Part B permit application, a standardized application will include a "fill-in-the-blank" format, certifications as to compliance with certain regulatory standards, and specific guidance for preparation of additional submittals. A facility that wished to obtain Interim Status to operate prior to permit issuance must have been in operation as of September 1, 1992, and must have notified the Department on a specified form by October 1, 1993. Interim status to operate was granted to a facility until January 1, 1998 if the facility was eligible for the standardized permit process and met the notification and application requirements. All other facilities must submit an application to DTSC and will be billed by the Board of Equalization for the appropriate fees. These facilities must receive authorization from the department before they can operate as a hazardous waste facility. If you are interested in receiving the forms and supporting documentation, or to be placed on the mailing list for standardized permit information, please call the DTSC at (510) 540-2122. (Health and Safety Code 25201.6).

Permit By Rule - Generators or Transportable Treatment Units (TTUs) conducting onsite treatment of waste streams currently eligible for Permit by Rule (PBR) may become authorized under the PBR tier. This tier is for more hazardous and higher volume waste streams and processes than those eligible for conditional authorization and conditional exemption. Notification forms are submitted with specific certification statements. A Phase I Environmental Assessment was required by January 1, 1997. Disclosure statements and public notice requirements were dropped and financial assurance for closure were delayed until January 1, 1997. Regulations adopted in February 1996 established new closure financial assurance mechanisms and a more favorable method for estimating closure costs for both PBR and Conditional Authorization. The generator or TTU must submit a notification fee of $1,236 in 1996 (rate is adjusted annually). If you are interested in receiving these forms and supporting documentation, please call the DTSC Regional Office at (916) 324-2423 (California Code of Regulations, Title 22, Division 4.5, Chapter 45, 67450.1 et. seq.).

Conditional Authorization - A generator or "TTU" performing onsite treatment of specified waste streams using specified technologies as described in Health and Safety Code, Section 25200.3 may operate under conditional authorization. Conditionally authorized generators are subject to certain requirements or conditions. For most waste streams, treatment in the unit cannot exceed 5,000 gallons or 45,000 pounds in any calendar month. There are no quantity limits for treatment of specified aqueous waste with metals and aqueous waste with organics, elementary neutralization of acidic or alkaline wastes hazardous only due to corrosivity or treatment of oily waste. Notification forms are submitted with specific certification statements. A Phase I Environmental Assessment was required by January 1, 1997. Liability insurance, public notice, and disclosure statements are not required. A generator or TTU operating under conditional authorization must submit a notification fee of $1,236 in 1996 (rate is adjusted annually). If you are interested in receiving forms and supporting documentation for notifying under conditional authorization, please call the DTSC Regional Office at (916) 324-2423. (Health and Safety Code 25200.3).

Conditional Exemption - Generators performing onsite treatment of small quantities (described below) of hazardous waste and treatment of specified waste streams may treat with this authorization from the Department using specified technologies under conditions stated in the bill. The TTU must submit a notification fee of $100 for the first year and $50 thereafter. (Health and Safety Code 25201.5) A new category authorized by AB 483, known as Conditional Exemption-Limited, only pays a one-time fee for treatment using oil/water separators (under certain conditions) and puncturing of aerosol cans.

The following are Conditionally Exempt, subject to limitations on the quantity treated onsite:

- ***Small quantities*** **-** Treating 500 pounds or 55 gallons or less in any calendar month of PBR eligible hazardous waste using PBR treatment technologies. These generators cannot be required to obtain a hazardous waste facility permit for any other reason or they are ineligible for this exemption.
- ***Photographic silver*** **-** Processing less than 500 gallons per month of silver halide containing solutions from photographic processing. Treating less than 10 gallons per month is fully exempt.
- ***Oil-water separators*** **-** Oil water separation of hazardous waste if the average amount of oil recovered per month is less than 25 barrels.
- There are no quantity or volume limitations to qualify as Conditionally Exempt for these treatment activities:
- ***Resins*** **–** Treating resins by mixing or curing in accordance with the manufacturer's instruction.
- ***Containers*** **–** Crushing containers of 110 gallons or less that may be managed as empty containers under State law, excluding those made of adsorptive material, by rinsing or by physical processes such as crushing or shredding.
- ***Special waste*** **–** Drying to remove water from waste classified as special waste by the Department or treatment of these wastes by magnetic screening or separation.
- ***Gravity settling*** **–** Gravity settling of solids where the resulting aqueous waste is not hazardous.
- ***Certified and educational labs*** **–** Neutralizing acidic and alkaline effluent generated onsite solely as a result of analytical testing in a State certified or educational lab or a lab that treats less than one gallon of onsite generated hazardous waste in any single batch. (To be eligible for conditional exemption, this waste cannot contain more than 10% acid or base by weight.) If you are interested in receiving forms and supporting documentation for notifying under conditional exemption, please call the DTSC Regional Office at (916) 324-2423

If you are interested in receiving forms and supporting documentation for notifying under conditional exemption, please call the DTSC Regional Office at (916) 324-2423.

Please note that some companies that operate multiple treatment units may choose to operate different units under different tiers. Also, facilities subject to Tiered Permitting must comply with the requirements of AB 1772. Failure to notify the Department 60 days before using a new treatment unit may lead to substantial fines and penalties. DTSC provides a flowchart that can assist businesses in determining the appropriate tier for their onsite treatment operations. If you are interested in receiving the flowchart or notification forms, contact your DTSC Regional Office.

Conversion to Local Tiered Permitting Implementation **-** In 1996 and 1997, responsibility for implementing onsite tiered permitting and hazardous waste generator programs was transferred from DTSC to local agencies. Legislation (Health and Safety Code Chapter 6.11, 1993) provides for new unified programs that consolidate six existing environmental programs. A local agency, such as a county, city, or joint powers agency, applies to Cal/EPA to be a Certified Unified Program Agency (CUPA).

II. Where should the Applicant Apply?

- For a Full Permit, an applicant should apply to the appropriate DTSC Regional Office. (See the list of regional offices for phone numbers and addresses at the end of this section).
- For a Standardized Permit or a TTU Permit, applicants should apply to the DTSC Berkeley Office, Permitting Branch (510) 540-2122).

- For a TTU Certification, applicant should apply to the DTSC Headquarters Unified Program Section (916) 324-8286.
- For an onsite fixed treatment certification, applicants should apply to the local CUPA, using the Unified Program Consolidated Form, Title 27, CCR, Division 1, Subdivision 4, Chapter 1.

III. What Information should the Applicant Provide upon Application for a Full RCRA Permit?

Applicants are required to obtain an identification number from DTSC or from the U. S. Environmental Protection Agency at 1 (800) 619-6942 for information and complete a permit application consisting of two parts, Part A and Part B. Each applicant must notify DTSC of his/her identity, the business and facility's addresses, and describe the facility's hazardous waste management activities on a Part A form provided by DTSC. A detailed description of the facility's operation and management practices makes up the Part B. For additional detail, see Title 22 CCR Chapter 20, section 66270.14 et seq. Applicants should contact their regional office for Part B guidance specific to their facility type. The Part B requirements will vary depending on the type of facility, but most facilities must provide, at a minimum, the following information:

- A map of the proposed facility site that features detailed topographic information such as: the facility, wells, springs, lakes, reservoirs, rivers, streams, etc.
- A description of hazardous waste management at the facility: e.g., waste identification, quantities produced, processes generating the wastes, processes used to manage the waste, etc.
- A list of equipment that the facility uses: e.g., safety and emergency equipment.
- A detailed description of the facility's operation.
- A detailed description of the emergency procedures at the facility, including a contingency plan addressing activities such as:
    1. Actions to be taken by facility personnel in response to fire, explosions or unscheduled releases of hazardous wastes.
    2. Responsibilities of the emergency coordinator.
    3. Procedures for maintaining emergency safety equipment and updating the contingency plan.
- A closure plan that details the procedures and schedule for closing the facility and the cost of such closure.
- Documents demonstrating compliance with the financial responsibility requirements.

IV. What Application Fee should the Applicant Submit?

Under Health and Safety Code Section 25205.7, DTSC must assess fees for permit applications. The fees are non-refundable.

	Small	Medium	Large
Land Disposal Facility	$111,637	$238,070	$408,888
Storage/Treatment	$22,886	$41,696	$80,702
Incinerator	$67,250	$41,696	$244,795
Transportable Treatment Unit	$17,487	$40,350	$80,702
Post Closure	$10,758	$24,211	$40,350

Table 6: Application Fees for Full Permits (as of Calendar year 2000)

Note: Fees are subject to change

Alternatively, pursuant to changes in the fee statutes (Senate Bill 660, 1998), a project proponent may instead sign a cost reimbursement agreement with DTSC.

Renewals: Facilities with a full or standardized permit shall pay an amount equal to the fee that would have been assessed had the person requested the same changes in a modification application, but not less than one-half the fee required for a new fee. If the application for a variance contains no significant change from a variance previously issued to the same operator, the fee shall be 25 percent of applicable fees. Other miscellaneous fees are described below.

Standardized Permit	Fee
Series A	$34,345
Series B	$21,442
Series C	$5,714
Series C (small quantity)	$5,714

Table 7: Miscellaneous Fees

Alternatively, pursuant to changes in the fees statutes (Senate Bill 660, 1998), a project proponent may instead sign a cost reimbursement agreement with DTSC.

Permit by Rule	Fee
Transportable Treatment Unit	$1,027 per unit, $618 per site
Conditional Authorization	$1,027
Conditional Exemption	$100 first year, $50 thereafter
Transportable Treatment Unit	$100 first year, $50 thereafter
Conditional Exemption Limited	**$100 one time**

Table 8: Permit by Rule Fees

Note: If a facility operates onsite treatment units under more than one tier, only the higher rate will be charged. Onsite treatment units pay local fees to CUPAs and are not subject to annual state onsite fees.

Permit Modifications:

Class 1 - Treatment and/or Storage Facility - At the election of the applicant, a fee for service agreed upon with the Department or 20 percent of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 40 percent for each application for treatment and/or storage facilities.

Disposal Facility of Incinerator - At the election of the applicant, a fee for service agreed upon with the Department or 15 percent of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 30 percent for each application.

Class 2 - Treatment and/or Storage Facility - At the election of the applicant, a fee for service agreed upon with the Department or 40 percent of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 60 percent for each application.

Disposal Facility or Incinerator - At the election of the applicant, a fee for service agreed upon with the Department or 30 percent of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 60 percent for each application.

Note: A fee of $500 will be assessed for Transportable Treatment Units converting from full permit to standardized permit or permit-by-rule. This fee does not apply to TTU's operating under permit-by-rule who are converting to standardized permit or a full permit.

No facility or operator will be subject to a permit modification fee resulting from a revision of a closure plan after the facility has stopped treating, storing, or disposing of hazardous waste.

For closure permits these amounts apply to waste remaining after one month:

- Small - manages 1,000 pounds or less of hazardous waste during any one month.
- Medium - manages more than 1,000 pounds but less than 1,000 tons of hazardous waste during any one month.
- Large - manages 1,000 tons or more of hazardous waste during any one month.

V. How does DTSC Evaluate and Process an Application for a Full RCRA Equivalent Permit?

Criteria for Evaluation: DTSC evaluates permit applications by inspecting the facility and checking its consistency with the Part B application to determine whether the design and performance standards specified in the regulations have been met. In addition, the Regional Water Quality Control Board, the air quality management district or a local health officer may request that specific conditions be met by the applicant prior to receiving the permit. Under certain conditions, such as a potential for groundwater contamination, the applicant may be asked for additional information to specifically address these concerns.

Procedures: When an applicant submits the Part B application and is billed by the Board of Equalization, DTSC staff performs a review of the application and inspect the site. If there are no significant deficiencies in the Part B application, DTSC will deem the application complete. If deficiencies exist, either with the site inspection or with the Part B application, a Notice of Deficiency is sent to the applicant requesting appropriate action. Processing of the permit application stops until the deficiencies are addressed.

A draft permit is prepared after the application is determined to be complete and adequate to provide for operation in compliance with all applicable regulations. The draft permit is then sent to the appropriate federal, state and local agencies, the public and the applicant for review. Notice of the availability of the draft permit is made by announcement in a major local newspaper. The public comment period lasts for a minimum of 45 days. If there is significant public interest, a public hearing may be scheduled with a 30-day notice. Participants at the public hearing may present oral or written comments. DTSC prepares and makes available to the public written responses to all comments. A facility must receive authorization from DTSC before their permit is in effect.

Review for Completeness: DTSC has timelines for review of the permit application for initial completeness. Notwithstanding Government Code Section 65943, DTSC has 60 days from the date of receipt of the permit application to determine if the application is administratively complete and notify the applicant in writing (Health and Safety Code 25199.6(a)).

Timetable for Permit Application Processing: The processing timelines for hazardous waste facility permit projects vary depending on the role DTSC plays in the California Environmental Quality Act (CEQA) process and the type of facility proposed to be permitted (Health and Safety Code section 25199.6 (b) and (c)).

If DTSC is acting as a responsible agency under CEQA and the hazardous waste project is a land disposal facility, DTSC must approve or disapprove the permit within the following time frames, whichever is longer:

- Within one year from the date on which the lead agency approved or disapproved the project, or
- Within one year from the date on which the completed application for the project has been received and accepted as technically complete.

If DTSC is acting, as a responsible agency under CEQA and the hazardous waste project is not a land disposal facility, DTSC must approve or disapprove the permits within the following time periods, which ever is longer:

- Within 180 days from the date on which the lead agency approved or disapproved the project, or
- Within 180 days from the date on which the completed application for the project has been received and accepted as technically complete.

If DTSC is acting as the lead agency under CEQA, two actions take place. First, DTSC must certify the adequacy of the environmental document prepared for the project. Separately, DTSC must approve the hazardous waste facility permit application. DTSC must complete and certify an Environmental Impact Report within 365 days (180 days for a Negative Declaration) from the date DTSC accepted the permit application as technically complete (Public Resources Code Section 21100.2). DTSC must approve or disapprove the permit within 180 days of the date DTSC certifies an EIR or 60 days from the date of adoption of a negative declaration.

VI. How does DTSC Evaluate and Process a Notification/Application for the Four Lower Tiers of Authorization?

Standardized Permit: If a facility was operating or authorized to operate as of September 1, 1992, but did not notify by the October 1, 1993 deadline for interim status, and wishes to continue operating, the facility must contact DTSC to obtain authorization to operate. Any facility in this category that fails to contact DTSC will be subject to fines and penalties for operating without a permit.

Companies that wish to construct a new facility must contact the Department and submit a Standardized Permit notification and an application, and receive a permit before operating. After an applicant submits the application and is billed an application fee by the Board of Equalization, DTSC staff perform a review for initial completeness. The application is processed, the facility inspected, and public notice takes place within the 18-month period that DTSC has to make a final determination. *Note: A facility must receive authorization from DTSC before their permit is in effect and a facility must be in compliance with CEQA.*

Permit by Rule: A facility must submit specific submittal forms and supporting documents. The package is reviewed and final action on each PBR authorization is made within 60 days. *Note: A facility must receive authorization from DTSC before their permit is in effect.*

Conditional Authorization/Conditional Exemption: A facility must submit specific submittal forms and supporting documentation. The package is reviewed and acknowledgment is sent to the applicant. *Note: The authorizations are effective upon submittal of a valid notification package to DTSC.*

VII. What are the Applicant's Rights and Responsibilities after the Approval is Granted?

DTSC specifies the applicant's rights and responsibilities in the permit. The permit is both general and specific and incorporates by reference the entire Part B and other relevant conditions or provisions as specified by regulation and statute.

VIII. What are DTSC's Rights and Responsibilities after the Permit is Granted?

DTSC requires each facility to submit an annual report listing the hazardous waste management activities during the preceding year. This report will include data such as waste generated, received, incinerated, recycled, stored or treated. The report must also include an updated cost estimate for closure and certification of waste minimization procedures implemented.

In addition, final disposition of all wastes shipped offsite must be declared in the annual reports. All waste received at an offsite facility must be accompanied by a manifest and a copy of this manifest mailed to DTSC within 30 days of receipt of the waste.

IX. What other Agencies should the Applicant Contact?

A. Local - City, county, special planning districts, county health officer, certified unified program agenciea.

B. State - Regional Water Quality Control Board

Air Pollution Control District

California Integrated Waste Management Board (if the facility will manage both hazardous and non-hazardous waste)

Division of Occupational Safety and Health

CAL/OSHA Consultation Service

C. Federal - U.S. Environmental Protection Agency, Region IX, (415) 744- 2064, if the wastes to be handled are hazardous wastes under Title 40, Code of Federal Regulations, Part 261.

X. What other Sources of Information are Available?

- California Environmental Protection Agency, Health and Safety Code Division 20, Chapter 6.5, section 25100 et seq.
- California Hazardous Waste Control Regulations, California Code of Regulations, Title 22, Division 4.5, section 66260.1 et seq.
- Federal Resource Conservation and Recovery Act (RCRA) Regulations, Title 40, Code of Federal Regulations, Parts 260 through 270
- Guidance Document Instructions for Preparing an Operation Plan for a Treatment, Storage and/or Disposal Facility, California Department of Toxic Substances Control
- Call DTSC directly for information on four classes on hazardous waste generator requirements
- The web address is http://www.dtsc.ca.gov.

California Department of Toxic Substances Control

HEADQUARTERS
Department of Toxic Substances Control
400 P Street
PO Box 806
Sacramento, CA 95812.1826
(916) 324-1826

Regional Offices

Sacramento - Office
Department of Toxic Substances Control
10151 Croydon Way, Suite 3
Sacramento, CA 95827
(916) 255-3545

Fresno- Area Office
Department of Toxic Substances Control
1515 Toll House Road
Clovis, CA 93612
(209) 297-3901

Berkeley-Office
Department of Toxic Substances Control
700 Heinz Avenue, Building F, Suite 200
Berkeley, CA 94710
(510 540-2122

Glendale-Office
Department of Toxic Substances Control
1011 Grandview Avenue
Glendale, CA 91201
(818) 551-2800

Cypress-Office
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90603
(714) 484-5302

Table 9: California Department of Toxic Substance Control Offices

Regional Water Quality Control Board (Rwqcb)

National Pollutant Discharge Elimination System (NPDES)

I. Who needs a National Pollutant Discharge Elimination System (NPDES) Permit?

The owner or operator of any facility that is currently discharging, or proposing to discharge, waste into any surface waters of the state must obtain waste discharge requirements. For discharges to surface waters, these requirements become a federal National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board (RWQCB) in the project area. Links to RWQCB web site may be found at the SWRCB's website at: http://www.swrcb.ca.gov.

The RWQCBs issue NPDES permits to protect the waters of the state for the use and enjoyment of the people of California. The SWRCB and the RWQCBs seek to attain the highest water quality reasonably attainable in the state.

Examples of activities that may discharge waste into waters of the state include:

- Paper, textile, and grain mills
- Meat, dairy, vegetable, sugar, and seafood production and processing facilities
- Cement, chemical, detergent, fertilizer, steel, glass, rubber, timber, leather manufacturing and processing facilities
- Petroleum refining operations
- Feedlots for cattle, swine, sheep, goats, horses, turkeys, chickens, and ducks
- Sewage treatment plants
- Storm water runoff discharges (municipal, industrial, and construction)
- Dredge spoils discharges
- Mining activities
- Groundwater discharge operations.

Most owners or operators of facilities that discharge waste into a municipal sanitary sewer system need not obtain an NPDES permit. The United States Environmental Protection Agency (USEPA), the SWRCB, and the respective RWQCB or the local wastewater management agency may require some industries to treat industrial hazardous wastes before such wastes are discharged to a municipal sanitary sewer system. The local wastewater management agency advises industries of those requirements.

Storm Water

Industrial - Persons whose discharges are composed entirely of industrial storm water runoff may be eligible to be regulated under a General Industrial Storm Water Permit issued by the SWRCB rather than an individual NPDES permit issued by the appropriate RWQCB. The General Industrial Storm Water Permit regulates storm water runoff from eligible industrial activities including:

- Facilities subject to storm water effluent guidelines (as specified in subchapter N of Title 40 of the Code of Federal Regulations)
- Manufacturing facilities
- Mining and oil and gas facilities
- Hazardous waste treatment, storage, or disposal facilities

- Landfills, land application sites, and open dumps that receive industrial waste
- Recycling facilities such as metal scrap yards, battery re-claimers, salvage yards automobile yards
- Steam electric generating facilities
- Transportation facilities
- Sewage treatment plants
- Certain facilities if materials are exposed to storm water.

Additional information about eligible industrial activities and the permit application provisions may be obtained from the SWRCB's General Industrial Storm Water Permit Information Line at (916) 657-1110. The General Industrial Storm Water Permit may be obtained from the storm water tab on the SWRCB's website at http://www.swrcb.ca.gov.

General Construction Activity **-** The SWRCB has also adopted a General Construction Activity Storm Water Permit for storm water discharges associated with any construction activity including clearing, grading, excavation reconstruction, and dredge and fill activities that results in the disturbance of at least five acres of total land area. Additional information about that permit can be obtained by contacting the SWRCB's Construction Activity Storm Water Permit Information Line at (916) 657-1146. The General Construction Activity Storm Water Permit may be obtained from the storm water tab on the SWRCB's website at http://www.swrcb.ca.gov.

Municipal Urban (Area-wide) Storm Water Discharges **-** A municipal separate storm sewer system, as defined by the USEPA (in Part 122 of Title 40 of the Code of Federal Regulations) must obtain an NPDES permit by a certain date according to the population served by the system. Municipal separate storm sewer system officials must submit an NPDES application and supporting information to the respective RWQCB.

II. Where should the Applicant (Discharger) Apply?

Applicants (dischargers) should direct inquiries and permit applications to the RWQCB for the area in which the proposed project is located.

III. What Information should the Applicant (Discharger) Submit upon Application?

Anyone currently discharging pollutants into the surface waters of the state must file complete federal NPDES permit application forms with the appropriate RWQCB. Anyone proposing to discharge pollutants into the surface waters of the state must submit a complete application at least 180 days before beginning the activity.

The RWQCBs require the applicant to complete the standard federal form for each source of discharge:

Form 1-	General information completed in conjunction with Forms 2B, 2C, 2D, 2E, 2F (pending approval), Short Form A and Standard Form A.
Short Form A-	Publicly Owned Treatment Works serving 10,000 capita or less.
Standard Form A-	Publicly-Owned Treatment Works serving over 10,000 capita or treating significant industrial waste.
Form 2B-	Concentrated animal feeding operations and aquatic animal production facilities. New applications or renewals.
Form 2C-	Existing manufacturing, commercial, mining, and silvicultural operations (including federal facilities).

Form 2D- Manufacturing, mining, commercial, and silvicultural operations. New applications only.

Form 2E- Non-manufacturing facilities, trailer parks, service stations, laundry mats, commercial facilities, etc. New applications or renewals.

Standard Form 2F- Storm water discharges associated with industrial activity.

The RWQCB may require the applicant to submit two or more forms. For example, if the discharger operates a dairy, and at the same site processes milk into cheese, both Forms 2B and 2C must be submitted. Current revisions of the above-cited forms can be ordered from the National Center for Environmental Publications and Information at (513) 891-6561.

Owners or operators of existing industrial facilities requiring an NPDES storm water permit may fulfill the permitting requirements by submitting a Notice of Intent (NOI) to the SWRCB for regulation under the general (NPDES) industrial storm water permit. Owners or operators of new facilities that require a NPDES storm water permit who wish to be regulated by the general (NPDES) industrial storm water permit must file a NOI at least 30 days prior to operation of that facility. Additional details on submittal procedures for the general (NPDES) industrial activities storm water permit can be obtained from the RWCQB in which the facility is located or by calling the SWRB's Industrial Activities Storm Water Permit Information line at (916) 657-1110.

Owners of construction activities that result in a land disturbance of five acres or more must submit a NOI to the SWRCB prior to the commencement of construction. Additional details on submittal procedures for the general (NPDES) construction activity storm water permit can be obtained either from the RWQCB in which the facility is located or by telephoning the SWRCB's Construction Activity Storm Water Permit Information Line at (916) 657-1146.

NOIs for either the General Industrial Activities Storm Water Permit or the General Construction Activities Storm Water Permit should be sent to:

State Water Resources Control Board
Division of Water Quality
Attention: Storm Water Permit Unit
P.O. Box 1977
Sacramento, CA 95812-1977
(916) 657-0687

IV. What Application Fee should the Applicant (Discharger) Submit?

Each person applying for an NPDES permit (waste discharge requirements) shall pay a fee to the RWQCB along with the permit application. That fee serves as the first annual fee. After the permit is issued, a discharger must pay a fee annually to the SWRCB. The RWQCB, for the area in which the project is located, will specify the amount of the fee to be submitted with the application (and to be paid annually thereafter) in accordance with the following schedule:

Application and Annual Fee Schedule

Rating	NPDES Permits [1]
I - A	$10,000
I - B	$7,000
I - C	$5,500
II - A	$4,000
II - B	$2,000
II - C	$1,200
III - A	$1,000
III - B	$750
III - C	$400

Table 10: Application and Annual Fee Schedule

Note: Fees are subject to revision

Applicants for NPDES permits for area wide urban storm water discharges, as defined by the USEPA (in Part 122 of Title 40 of the Code of Federal Regulations) must submit a fee with the application (and annually after the permit is issued) according to the population in that area:

- A fee of $10,000 for areas with a population greater than 100,000 persons.
- A fee of $5,000 for areas with population less than 100,000 persons.
- Public entities, which lie within more than one RWQCB, shall be subject to a fee based upon its total population without regard to the number of area wide urban storm water permits issued by a RWQCB.

The application and annual fees for individual NPDES permits for industrial storm water discharges shall be based on the discharge's threat to water quality and complexity in accordance with the fee schedule shown above and ratings described below.

Applicants submitting an NOI for industrial or construction activity storm water discharges to be regulated under a general (NPDES) storm water permit and which discharge to a municipal storm water system regulated by an area wide urban storm water permit shall pay an application fee, and an annual fee thereafter, of $250. The application and subsequent annual fee for all other industrial or construction activity storm water discharges regulated by a general (NPDES) storm water permit is $500.

Facilities required to have a (NPDES) storm water permit that are regulated by waste discharge requirements adopted pursuant to Water Code Section 13263 shall be exempt from the application and annual fee for regulation of storm water discharges.

Persons submitting applications for discharges to be regulated by a general NPDES permit, issued by a RWQCB or SWRCB, for discharges other than storm water shall be accompanied by a fee based on the threat to water quality and complexity of the discharge. All discharges that are subject to a given general permit shall pay the same fee. The same fee applies annually thereafter.

[1] National Pollutant Discharge Elimination System (NPDES) permits are issued to point source discharges of pollutants to surface waters and are issued pursuant to Water Code Chapter 5.5, which implements the federal Clean Water Act. Examples include, but are not limited to, public wastewater treatment facilities, industries, power plants, and ground water cleanups discharging to surface waters.

Fees for fill or dredge operations shall accompany a complete application, and shall be assessed on an annual basis for as long as the permit (waste discharge requirement) is in effect, as follows:

Fees for Fill or Dredge Operations

Fill - One acre or less, flat fee of $1,000.

- More than one acre, $1,000 per acre or part thereof (not to exceed statutory maximum).

Dredge - ***Less than 10,000 cubic yards, flat fee of $500.***

- 10,000 to 20,000 cubic yards, flat fee of $2,000.
- More than 20,000 cubic yards, $2,000 plus $250 for each additional 5,000 cubic yards or part thereof (not to exceed the statutory maximum).

Note: Fees are subject to change.

The rating criteria in the above fee schedule are based on the threat to water quality and the complexity of the applicant's proposed discharge. The criteria are as follows:

Threat to Water Quality

Category I - Discharges of waste which could cause long-term loss of a designated beneficial use of the receiving water. Examples of long-term loss would include the loss of a drinking water supply, the closure of an area used for water contact recreation, or the posting of an area used for spawning or growth of aquatic resources, including shellfish and migratory fish.

Category II - Those discharges of waste which could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

Category III - Those discharges of waste, which could degrade water quality without violating water quality objectives, or cause a minor impairment of designated beneficial uses compared with Category I and Category II.

Complexity

Category A - Any major NPDES discharger; any discharge of toxic wastes; any small volume discharge containing toxic waste or having numerous discharge points or ground water monitoring; any Class I waste management unit.

Category B - Any discharger not included above which has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class II or Class III waste management units.

Category C - Any person for whom waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included as a Category "A" or Category "B" as described above. Included would be discharges having no waste treatment systems or that must comply with best management practices, discharges having passive treatment and disposal systems, such as septic systems with subsurface disposal systems, or dischargers having waste storage systems with land disposal.

Applicants (dischargers) who own or operate confined animal feedlots including dairies shall not be subject to an annual fee. They are required to pay a one-time filing fee of $2,000, which must be submitted, to the RWQCB with each report of waste discharge.

If waste discharge requirements are waived pursuant to Section 13269 of the Water Code, a refund of the application or filing fee may be made provided the RWQCB withholds sufficient funds to cover actual staff time spent in reviewing the report of waste discharge. The withheld amount shall be calculated using a rate of $50.00 per hour of staff time. A Notice of Intent (NOI) is considered to be a report of waste discharge.

Application for the re-issuance of an expiring NPDES permit shall be accompanied by a fee equal in amount to the annual fee specified in the fee schedule above. This fee is considered the first annual fee. If the submittal of the first annual fee does not coincide with the current year billing cycle, then the next, and only the next, annual fee billing amount shall be adjusted to account for the payment of a full annual fee for the partial year after the permit was re-issued.

V. How does the RWQCB Evaluate and Process the Application?

Criteria for Evaluation: The RWQCB evaluates the NPDES permit application to determine whether the proposed discharge is consistent with the SWRCB's and the RWQCB's adopted water quality objectives, the Area-wide Waste Treatment Management ("208") Plan, the Water Quality Control Plan (Basin Plan) for the area in which the project is located, and federal effluent limitations.

When approving an NPDES permit, the RWQCB sets pollutant limits ("effluent limitations") on each discharge. These limits ensure that the discharge will not harm public water supplies, agricultural and industrial water use, wildlife habitat, any water-related recreational activity, or other beneficial uses of the receiving water and that the discharge will comply with the requirements of federal and state law.

The RWQCB may deny an NPDES permit if the discharge contains a harmful biological, radiological, or chemical agent or if the discharge would substantially impair the anchorage and navigability of the waterway.

Procedures: After receiving an NPDES permit application and the appropriate fee, the Executive Officer of the RWQCB determines whether the application is complete. If incomplete, the Executive Officer requests specific additional information. When the application is complete, the Executive Officer forwards it to the Regional Administrator of the United States Environmental Protection Agency (USEPA) within 15 days.

The Regional Administrator of the USEPA has 30 days to review the application to see that it is complete and to request additional information from the discharger, if necessary. If additional information is requested, the Regional Administrator has an additional 30 days after the request is met to complete the review and forward comments to the RWQCB's Executive Officer.

The Executive Officer reviews the application to determine whether the RWQCB should issue the NPDES permit or prohibit the discharge. The NPDES permit contains formal instructions to the owner or operator concerning the terms and conditions of approval.

Upon determining that the RWQCB should issue the NPDES permit, the Executive Officer directs the staff to prepare the tentative requirements for the project, including proposed:

- Effluents limitations
- A schedule for complying with the NPDES permit
- Special and general conditions
- A program for the discharger to monitor the discharge
- Reporting requirements
- A Fact Sheet or Statement of Basis.

After the staff has formulated the tentative NPDES permit, the Executive Officer forwards a copy to the Regional Administrator of the USEPA for review. The Regional Administrator has 30 days to object or submit comments to the Executive Officer of the RWQCB. The Regional Administrator may request an additional 60 days to review the tentative NPDES permit.

The Executive Officer may prepare a "Fact Sheet or Statement of Basis" for each project even though the discharge may only occur once per year. Fact Sheets are required for all major NPDES permits. (For minor discharges, an abbreviated Statement of Basis will be prepared.) Fact Sheets contain the following information:

- A brief description of the type of facility or activity, which is subject to the draft permit.
- A sketch or detailed description of the location of the discharge.
- The type and quantity of waste to be discharged.
- A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions.
- Calculations and other explanations of the derivation of effluent limitations and special conditions, including citations to applicable guidelines or performance standard provisions and an explanation of their applicability.
- Requested variances or modifications with reasons why they do, or do not, appear justified.
- If the permit contains any of the following conditions, an explanation of the reasons why such conditions are applicable:

Limitations to control toxic pollutants

Limitations on internal waste streams

Limitations on indicator pollutants

- A description of the compliance history and current compliance status of the discharge, including status of current enforcement actions.
- A description of the procedures for reaching a final decision on the draft permit.
- Name and telephone number of a staff member who can provide additional information.

The Executive Officer distributes the Fact Sheet with the tentative NPDES permit. In addition to the Regional Administrator of the USEPA, the Executive Officer distributes the Fact Sheet to other state and federal agencies. The agencies contacted typically include the United States Army Corps of Engineers, the State Departments of Fish and Game, Health Services, and Water Resources, and the area wide wastewater management-planning agency.

Following the Regional Administrator's review of the tentative NPDES permit, the Executive Officer prepares a "Notice of Public Hearing." The Executive Officer mails a copy of the notice to the discharger with instructions for circulation. The instructions may require the discharger to do any or all of the following:

- Place the notice in the post office and in other public places within the municipality closest to the area of discharge.
- Post the notice at the entrance of the discharger's premises and in other nearby places.
- Publish the notice in local newspapers or in a daily newspaper with general circulation.

The discharger must publish the notice for one day and submit proof of having complied with the instructions to the RWQCB's Executive Officer within 15 days after the posting or publication. The Executive Officer also mails a public notice of the tentative NPDES permit to persons and public agencies with a known interest in the project and to other persons requesting such notice. The Executive Officer allows these reviewers at least 30 days to submit comments. The Executive Officer permanently files all comments and considers them when preparing the final NPDES permit.

The Executive Officer reviews all comments and recommendations and attempts to resolve any objections to the tentative NPDES permit. The Executive Officer then directs the staff to modify the tentative NPDES permit.

The RWQCB must hold the public hearing with at least a 30-day public notification. The RWQCB may adopt the tentative NPDES permit or modify and adopt it at the public hearing by majority vote.

If the Board adopts the tentative NPDES permit as proposed or adopts other requirements, it specifies the date the requirements become effective. Also, the Regional Administrator for the USEPA has ten days to review the requirements. If the Administrator objects, the NPDES permit does not become effective until the Executive Officer of the RWQCB satisfies all objections.

Upon determining that the RWQCB should prohibit the discharge, the Executive Officer submits a report to the RWQCB stating the reasons. The Executive Officer's report is processed in the same manner as the tentative NPDES permit. The RWQCB may or may not accept the Executive Officer's recommendation or the RWQCB may modify the recommendation. The entire RWQCB review and issuance process for NPDES permits takes about six months.

Appeals: Anyone wishing to appeal a RWQCB decision may do so by writing to the SWRCB within 30 days of the RWQCB's decision. Persons may appeal RWQCB decisions to:

State Water Resources Control Board
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100
(9l6) 657-2390

The petition should include:

- Petitioner's name and address
- Specific action by the RWQCB which the petitioner is requesting the SWRCB to review, and a copy of any order or resolution which is referenced in the petition
- Date on which the RWQCB acted
- Reason(s) the petitioner feels the action of the RWQCB was inappropriate

- Manner in which the petitioner is affected
- Specific action the petitioner requests the SWRCB to take
- Legal document known as "Points and Authorities," which discusses legal issues raised by the petition.

Note: A complete list of required items is found in Section 2050 of the Title 23 of the California Code of Regulations.

If the petitioner requests a public hearing, the appeal must state that additional evidence is available which was not presented to the RWQCB or was improperly excluded. The petitioner must include a general statement of the nature of the evidence and the facts to be proven.

If the discharger is not the petitioner, the petitioner must send a copy of the petition to both the discharger and the appropriate RWQCB. When a petition is filed, the SWRCB staff will review it for compliance with the filing requirements. If it is complete, all interested persons will be notified and given 20 days to file a response with the SWRCB and send a copy of the response to the RWQCB and petitioner.

The SWRCB may refuse to review the action of the RWQCB, may review the RWQCB's action based upon its records, or may hold its own hearing. If the SWRCB reviews the RWQCB's action, it may either deny or modify the petition or direct the RWQCB to take specific action. If the SWRCB holds a public hearing to review the appeal, it notifies the petitioner, the RWQCB, and other appropriate persons and agencies. Persons wishing to appeal a decision are encouraged to telephone the SWRCB (at the above number) first to discuss the petition procedures.

VI. What are the Applicant's (Discharger's) Rights and Responsibilities after the Permit is Granted?

Rights: An applicant (discharger) may request the RWQCB's Executive Officer to hold all or part of the NPDES permit application confidential. If state law permits and if the Regional Administrator of the USEPA approves, the Executive Officer may classify information as confidential. If the Executive Officer denies the applicant's request to declare information confidential, anyone may request a copy of the information from the RWQCB.

NPDES permits expire in five years. Every five years, a discharger must renew the permit. To do so, a discharger (applicant) must file a new NPDES permit application with the RWQCB at least 180 days prior to the expiration of the existing NPDES permit. The RWQCB will reissue the NPDES permit if:

- The discharger has complied with all terms and conditions of the existing NPDES permit.
- The discharger has filed all required data, fees, and a new application.
- The discharge meets applicable effluent standards and limitations.

An NPDES permit may be administratively extended for five years. Thereafter, the RWQCB will follow the notice and hearing procedures described above for renewals.

Responsibilities: The applicant (discharger) must monitor the following on the form supplied by the RWQCB:

- Discharges that the Regional Administrator of the USEPA has requested to be monitored.
- Discharges that contain toxic pollutants for which the RWQCB has established effluent limitations.
- Discharges that the RWQCB specifically requires to be monitored.

The RWQCB may require the discharger to monitor the volume of the discharge, the pollutants that the discharger must reduce or eliminate, the pollutants that the RWQCB deems as having a potential significant effect on water quality when discharged, and any additional pollutants specified by the Regional Administrator of the USEPA. The RWQCB requires the discharger to keep accurate records of the:

- Date, place, and time of sampling.
- Name and address of the person who took the sample.
- Date that the analysis was performed.

- Method used to perform the analysis.
- Results of the analysis.

The RWQCB may require each discharger with a monitoring program to submit a periodic report summarizing the data from the previous year. The RWQCB requires the discharger to have analyses of pollutants performed at a laboratory approved by the State Department of Health Services. In the event that the discharger does not have access to an approved laboratory, the Executive Officer may modify this requirement. The modification does not relieve the discharger of the responsibility for conducting an analysis, but makes other laboratories available that are satisfactory to the State. If the discharger wishes to alter the amount, type, area, or method of disposal of the discharge substantially, the discharger must file a revised NPDES permit application with the RWQCB.

VII. What are SWRCB's and RWQCB's Rights and Responsibilities After the Permit is Granted?

Rights: The SWRCB or RWQCB may require the discharger to discontinue the discharge if it violates the conditions of the NPDES permit or has misrepresented the activity to obtain the NPDES permit.

The State and RWQCBs may assess administrative civil liability or go to court to seek penalties of up to $25,000 per day for violations of the permit or up to $50,000 per day for willful or intentional violations.

Responsibilities: The SWRCB and the RWQCBs are responsible for protecting the waters of the state.

VIII. What Other Agencies Should the Applicant Contact?

Applicants should consider whether any of the agencies listed below must also issue permits or approvals for the proposed project:

A. Local - City, county, and special district

B. State - Air Resources Board

Coastal Commission

Department of Conservation, Division of Oil, Gas, and Geothermal Resources

Department of Fish and Game

Department of Forestry

Department of Health Services

Department of Parks and Recreation

Department of Toxic Substances Control

Department of Water Resources, Division of Safety of Dams

San Francisco Bay Conservation and Development Commission

Integrated Waste Management Board

The Reclamation Board

San Francisco Bay Conservation and Development Commission

State Lands Commission

Tahoe Regional Planning Agency

C. Federal - United States Environmental Protection Agency

United States Army Corps of Engineers

Bureau of Reclamation

United States Fish and Wildlife Service

National Marine Fisheries Service

IX. What other Sources of Information are Available to the Applicant (Discharger)?

Applicants may refer to the publications listed below for further information about NPDES permits:

- The Porter-Cologne Water Quality Control Act and Related Code Sections
- California Code of Regulations, Title 23
- Federal Clean Water Act
- Regulations Concerning the National Pollutant Discharge Elimination System (40 CFR)

The California Water Code is generally available for review at county law libraries and the State Library in Sacramento or may be purchased from various legal publishers. Excerpts of the California Code of Regulations may be purchased from:

Barclay Law Publishers
Post Office Box 60000
San Francisco, CA 94160-2021

Copies of the Federal Clean Water Act and Regulations Concerning the National Pollutant Discharge Elimination System (40 CFR) may be obtained by telephoning the office of the U.S. Environmental Protection Agency, Region 9, San Francisco, CA, at (415) 744-1500.

Waste Discharge Requirements Permit

I. Who needs a Waste Discharge Requirements Permit?

The owner or operator of any facility or activity that discharges, or proposes to discharge, waste that may affect groundwater quality or from which waste may be discharged in a diffused manner (e.g., erosion from soil disturbance) must first obtain Waste Discharge Requirements Permit (WDRs) from the appropriate Regional Water Quality Control Board (RWQCB). If a facility or activity will discharge waste (including storm water run off for certain industrial or construction activities) to surface water (for example, from a pipe or confined channel), the owner or operator must obtain a National Pollutant Discharge Elimination System (NPDES) permit rather than waste discharge requirements (WDRs). Activities that do not pose a threat or nuisance to water quality may be allowed a waiver of WDRs.

The RWQCBs adopt waste discharge requirements (WDRs) to protect the waters of the state for the use and enjoyment of the people of California. The State Water Resources Control Board (SWRCB) and RWQCBs seek to attain the highest possible water quality in the state.

Examples of the types of wastes that may require waste discharge requirements (WDRs) include:

- Drainage from agricultural operations
- Drainage from waste materials in landfills
- Flow or seepage containing debris or eroded earth from logging operations
- Drainage from inoperative and abandoned mines
- Feedlots for cattle, swine, sheep, goats, horses, turkeys, chickens, and ducks
- Waste from construction or dredging operations
- Food production and processing wastes
- Waste from manufacturing and refining operations
- Municipal and industrial wastes, if percolation or injection to groundwater are the disposal methods
- Residual waste and effluent from cleanup of sites.

The discharge of waste into a municipal sanitary sewer system is not subject to waste discharge requirements (WDRs). The United States Environmental Protection Agency (USEPA), SWRCB, RWQCBs, and the local wastewater management agency may require some industries to pre-treat industrial or hazardous wastes prior to discharge to the municipal sanitary sewer system. The local wastewater management agency will notify the industry of the requirements.

Waste disposal by injection well may also be subject to a Federal Underground Injection Control Program permit issued by the USEPA or to a permit issued by the Department of Conservation, Division of Oil and Gas for injection of oilfield wastes.

Certain waste management units (landfills, surface impoundments, waste piles, land treatment facilities, confined animal waste facilities, and mining waste facilities) may be subject to the construction and/or closure requirements established in *California Code of Regulations,* Title 23, Division 3, Chapter 15.

II. Where should the Applicant Apply?

Applicants should direct their application and any inquiries to the RWQCB for the area in which the proposed project is located. At the end of this section is a list of regional offices. Links to RWQCB website may be found at the SWRCB's website at http://www.swrcb.ca.gov.

III. What Information should the Applicant Submit upon Application?

Anyone proposing to discharge or currently discharging wastes that may affect surface or ground water quality must file a complete "Report of Waste Discharge" with the appropriate RWQCB. Persons proposing to discharge wastes, which may affect water quality, must submit a complete Report of Waste Discharge at least 120 days before they intend to begin discharging waste.

An applicant must provide the following information on the Report of Waste Discharge:

- Names, addresses, and telephone numbers of the owner of the facility, the owner's authorized agent, and any lessee(s) of the facility.
- Description of the facility or activity, including whether the applicant proposes to increase or change an existing discharge or create a new one.
- Location of the operation by section, township, and range, with a USGS 7.5 minute series topographic map attached.
- Description of the discharge by type, quality, quantity, interval, and method of discharge.
- Source of water that contributes to or transports the waste.
- Water flow and location map, identifying all discharge points.
- Statement noting whether an environmental document has been or must be prepared and submitted in a timely manner.

IV. What Application Fee should the Applicant Submit?

The following fee schedule is set forth in Section 2200 of Title 23 of the California Code of Regulations. The schedule is subject to revision.

Each person applying for waste discharge requirements shall pay a fee to the RWQCB along with the "Report of Waste Discharge;" that fee serves as the first annual fee. After waste discharge requirements are issued, a discharger must pay a fee annually to the SWRCB.

The RWQCB, for the area in which the project is located, will specify the amount of the fee to be submitted with the application (and to be paid annually thereafter) in accordance with the following schedule:

Application and Annual Fee Schedule

Program Rating	Non-Chap 15 WDR[2]	Chap 15 WDR[3]
I - A	$10,000	$10,000
I - B	$5,500	$7,500
I - C	$3,000	$6,000
II - A	$2,000	$5,000
II - B	$1,200	$4,000
II - C	$900	$3,000
III - A	$750	$2,000
III - B	$400	$1,500
III - C	$200	$750

Table 11: Application and Annual Fee Schedule

Note: Fees are subject to change.

Persons submitting applications for discharges (other than storm water) to be regulated by a general waste discharge requirement order issued by a RWQCB, shall be accompanied by a fee based on the above fee schedule; a fee must also be paid annually thereafter.

Fees for fill or dredge operations shall accompany a complete application, and shall be assessed on an annual basis for as long as the permit (waste discharge requirement) is in effect, as follows:

Fees for Fill or Dredge Operations

Fill: One acre or less, flat fee of $1,000.

More than one acre, $1,000 per acre or part thereof (not to exceed statutory maximum).

Dredge: Less than 10,000 cubic yards, flat fee of $500.

10,000 to 20,000 cubic yards, flat fee of $2,000.

More than 20,000 cubic yards, $2,000 plus $250 for each additional 5,000 cubic yards or part thereof (not to exceed the statutory maximum).

Note: Fees are subject to change.

The “rating” criteria in the previous fee schedule are based on the threat to water quality and the complexity of the applicant's proposed discharge; these criteria are defined as follows:

---

[2] Non-Chapter 15 Waste Discharge Requirements (Non-Chap 15 WDRs) are those discharges of waste to land, which are regulated through waste discharge requirements issued pursuant to Water Code Section 13263 that do not implement the requirements of Chapter 15 of Division 3 of Title 23. Examples include, but are not limited to, waste water treatment plants, erosion control projects, and septic tank systems.

[3] Chapter 15 Waste Discharge Requirements (Chap 15 WDRs) are those discharges of waste to land, which are regulated through waste discharge requirements issued pursuant to Water Code Section 13263 that implement the requirements of Chapter 15 of Division 3 of Title 23. Examples include, but are not limited to, landfills, both active and closed, and mining operations.

Threat to Water Quality

Category I - The discharges of waste which could cause the long-term loss of a designated beneficial use of the receiving water. Examples of long-term loss of beneficial use would include the loss of a drinking water supply, the closure of an area used for water contact recreation, or the posting of an area used for spawning or growth of aquatic resources, including shellfish and migratory fish.

Category II - Those discharges of waste which could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

Category III - The discharges of waste, which could degrade water quality without violating water quality objectives, or cause a minor impairment of designated beneficial uses compared with Category I and Category II.

Complexity

Category A - Any major NPDES discharger; any discharge of toxic wastes; any small volume discharge containing toxic waste or having numerous discharge points or ground water monitoring; any Class I waste management unit.

Category B - Any discharger not included above which has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class II or Class III waste management units.

Category C- Any person for whom waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included as a Category A or Category B as described above. Included would be discharges having no waste treatment systems or that must comply with best management practices, discharges having passive treatment and disposal systems, such as septic systems with subsurface disposal systems, or dischargers having waste storage systems with land disposal.

Applicants, who own or operate confined animal feedlots, including dairies, shall not be subject to an annual fee. They are required to pay a one-time filing fee of $2,000, which must be submitted, to the RWQCB with each report of waste discharge.

If waste discharge requirements are waived pursuant to Section 13269 of the Water Code, a refund of the application or filing fee may be made, provided the RWQCB withholds sufficient funds to cover actual staff time spent in reviewing the waste discharge report The withheld amount is be calculated using a rate of $50 per hour. A Notice of Intent (NOI) is considered to be a report of waste discharge.

V. How does the RWQCB Evaluate and Process the Application?

Criteria for Evaluation: The RWQCB evaluates the “Report of Waste Discharge” to determine whether the proposed discharge is consistent with the SWRCB's and the RWQCB's adopted water quality objectives, the Area-wide Waste Treatment Management Plan (“208”), and the Water Quality Control Plan (Basin Plan) for the area in which the proposed activity is located, state policies for water quality control, and Chapter 15 regulations, if applicable.

When adopting waste discharge requirements, the RWQCB sets pollutant limits (effluent limitations) or waste containment requirements on each discharge as a condition of approval. The limitations ensure that the discharge will not harm beneficial uses, such as public water supplies, agricultural and industrial water use, wildlife habitats, or any water-related recreational activity.

Procedures: After receiving the Report of Waste Discharge and appropriate fee, the Executive Officer of the RWQCB determines whether the application is complete. If incomplete, the additional specific information is requested. When the application is complete, it is reviewed to determine whether the RWQCB should adopt waste discharge requirements, prohibit the discharge, or waive the requirements.

If the Executive Officer determines that the RWQCB should adopt waste discharge requirements, staff is directed to prepare tentative requirements for the project, including proposed effluent limitations, special conditions, and a monitoring program for the discharge. The requirements may also include a proposed schedule for compliance, if the discharge does not comply with the adopted requirements.

The Executive Officer distributes the tentative waste discharge requirements to people and public agencies with a known interest in the project and others requesting the requirements. The reviewers are given at least 30 days to submit comments. The Executive Officer permanently files and considers all comments when preparing the final waste discharge requirements.

The RWQCB must hold the public meeting in a location within the region. Interested parties are notified at least 30 days in advance of the public meeting. At the public meeting, the RWQCB may adopt the tentative waste discharge requirements or modify the requirements before adopting them. Adoption of the waste discharge requirements requires a majority vote of the RWQCB. Waste discharge requirements become effective upon adoption unless a different effective date is set. The entire process for developing and adopting the requirements normally takes about three months.

Appeals: Anyone wishing to appeal the RWQCB's decision may do so by petitioning the SWRCB within 30 days of the RWQCB's decision. Persons may appeal the RWQCB's decisions to:

State Water Resources Control Board
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100
(9l6) 657-2390

The petition, or appeal request, should include the:

- Petitioner's name and address
- Specific action by the RWQCB, which the petitioner is requesting the SWRCB to review
- Date on which the RWQCB acted
- Reason(s) the action of the RWQCB was inappropriate
- Manner in which the petitioner is affected
- Specific action the petition requests the SWRCB to take
- Legal document, known as "Points and Authorities," which discusses the legal issues raised by the petition.

Note: A complete list of required items is found in Section 2050 of the Title 23 of the California Code of Regulations.

If the petitioner requests a public hearing, the appeal must state that additional evidence is available which was not presented to the RWQCB or that the RWQCB improperly excluded evidence. The petitioner must include a general statement on the nature of the evidence and the facts to be proven.

If the discharger is not the petitioner, the petitioner must send a copy of the petition to both the discharger and the appropriate RWQCB. When a petition is filed, the SWRCB staff will review it for compliance with the filing requirements. If it is complete, all interested persons will be notified and given 20 days to file a response with the SWRCB. They must send a copy of the response to the RWQCB and petitioner.

The SWRCB may refuse to review the action of the RWQCB, may review the RWQCB's action based upon its records, or may hold its own hearing. If the SWRCB reviews the contested action, it may either deny or modify the petition or direct the RWQCB to take specific action. If the SWRCB holds a public hearing to review the appeal, it notifies the petitioner, the RWQCB, and other appropriate people and agencies.

Persons wishing to appeal a decision should telephone The SWRCB at (916) 657-2390 to discuss the petition procedures.

VI. What are the Applicant's (Discharger's) Rights and Responsibilities After the Permit is Granted?

Rights: All information submitted in a Report of Waste Discharge (or in technical reports) is available to the public unless the person submitting the information identifies trade secrets or proprietary information and justifies the withholding from the public of such information under California law.

Responsibilities: The Applicant must routinely monitor, according to the RWQCB's directions, wastes or waters to detect if wastes have leaked or impaired beneficial uses. The RWQCB normally requires the discharger to measure the volume of the discharge, the pollutants that must be reduced or eliminated, and the pollutants, which the RWQCB deems as having a significant impact on water quality or leachate and water quality, related to a solid waste discharge. The RWQCB requires the discharger to keep accurate records of the:

- Date, place, and time of sampling.
- Name and address of the person who took the sample.
- Dates that the analysis was performed, and the name of the individual performing the analysis.
- Method used to perform the analysis.
- Results of the analysis.

The RWQCB may require each discharger with a monitoring program to submit a periodic report to the RWQCB. The report should summarize the data gathered during that period.

The State Department of Health Services or the Executive Officer of the RWQCB must approve the laboratories used by dischargers for analyzing pollutants. In the event that the discharger does not have access to an approved laboratory, the Executive Officer may modify this requirement. Any modification does not relieve the discharger of the responsibility to conduct an analysis, but makes other laboratories available that are satisfactory to the state.

If the discharger wishes to alter the amount, type, area, or method of disposal of the discharge substantially, the discharger must file a revised "Report of Waste Discharge" with the RWQCB.

If the discharge is subject to the Chapter 15 provisions, the applicant must design, construct, monitor, close and conduct post-closure monitoring and maintenance according to the provisions specified in the waste discharge requirements.

VII. What are the SWRCB's and the RWQCB's Rights and Responsibilities after the Permit is Granted?

Rights: The SWRCB or the RWQCB may require the applicant to discontinue the discharge if the discharger violates or misrepresents the conditions of the waste discharge requirements. The SWRCB or the RWQCB may either assess civil liability administratively up to $10,000 per day or go to court to seek fines of up to $25,000 per day for violations of the requirements. (Porter-Cologne Act, Sec. 13260)

Responsibilities: The SWRCB and the RWQCBs are responsible for protecting the waters of the state for the use and enjoyment of the people of California.

VIII. What other Agencies should the Applicant (Discharger) Contact?

Dischargers should consider whether any of the agencies listed below must also issue permits for the proposed project:

A. Local - City, county, and special district

B. State - Air Resources Board

Coastal Commission

Department of Conservation, Division of Oil, Gas, and Geothermal Resources

Department of Fish and Game

Department of Forestry

Department of Health Services

Department of Parks and Recreation

Department of Toxic Substances Control

Department of Water Resources, Division of Safety of Dams

San Francisco Bay Conservation and Development Commission

Integrated Waste Management Board

Reclamation Board

State Lands Commission

Tahoe Regional Planning Agency

C. Federal - United States Army Corps of Engineers

United States Environmental Protection Agency (permits for injection wells)

Bureau of Reclamation

IX. What other Sources of Information are Available to the Applicant (Discharger)?

Applicants may refer to these publications for further information about waste discharge requirements:

- The Porter-Cologne Water Quality Act and Related Code Sections, Division 7 of the California Water Code
- California Code of Regulations, Title 14, Division 30; Title 22; and Title 23, Chapters 3, 4, and 15.

The *California Water Code* is available for review at county law libraries and the State Library in Sacramento or may be purchased from various legal publishers. Excerpts of the California Code of Regulations may be purchased from:

Barclay Law Publishers
Post Office Box 60000
San Francisco, CA 94160-2021

Underground Storage of Hazardous Substances Permit

I. Who needs an Underground Storage of Hazardous Substances Permit?

California underground tank law and the implementing regulations require underground tank owners to obtain permits from local agencies.

Applicants (tank owners) must obtain a permit if they own, operate, or intend to construct an underground storage tank containing a hazardous substance. Generally, any substance that meets the state definition of ignitability, corrosively, reactivity, and toxicity is a hazardous substance. Any person assuming ownership of a tank containing hazardous substances has 30 days from the date of transfer of ownership to apply for an operating permit. A tank owner must apply to the local agency for an amendment to an existing permit when the following conditions occur:

- Change of ownership
- Storage of substance not listed on the existing permit (excludes a change from one type of motor vehicle fuel to another)
- Change in the information provided by the owner in the permit application.

The law also requires a tank owner to apply to the local agency for renewal of a permit once every five years. Some local agencies require annual permit renewals.

II. Where should the Applicant (Tank Owner) Apply?

Applications and specific local requirements can be obtained from the local jurisdiction in which the tank is located (A list of local UST agencies follows this section or at the following website: http://www.swrcb.ca.gov/cwphome/ust/contacts/liacntct.htm.

III. What Information should the Applicant Provide?

The application for a permit to operate an underground storage tank, or for renewal of the permit, includes, but is not limited to the following information:

- A description of the age, size, type, location, uses, and construction of the underground storage tank or tanks.
- A list of all the hazardous substances, which are or will be stored in the underground storage tank or tanks, specifying the hazardous substances for each tank.
- A description of the monitoring program for the underground tank system.
- The name and address of the facility at which the underground tank system is located.
- The name and address of the person, firm, or corporation which owns the underground tank systems, and if different, the name and address of the person who operates the underground tank system.
- The name of the person making the application.
- The name and 24-hour phone number of the contact person in the event of an emergency involving the facility.
- If the owner or operator of the underground tank system is a public agency, the name of the supervisor of the division, section, or office, which operates the tank.

IV. What Fee should the Applicant Submit?

Each applicant for a permit to operate an underground tank, or to amend or renew an operating permit, must pay a fee to the local agency. This fee usually includes the local agency's fee and the State Water Resources Control Board's (SWRCB) surcharge. Most local agencies also charge an annual operating fee. The SWRCB's surcharge is due once every five years or when the permit is amended. Local fees vary and the local agency will inform the permit applicant of the amount due. As agencies become certified to implement the Unified Program, they will be required to institute a single fee system that replaces these fees.

V. How does the Local Agency Process the Application?

The applicant must contact the local agency for specific details about the permit application process.

Section 25299.1 of the Health and Safety Code provides that local agencies must implement Chapter 6.7 of the Health and Safety Code and the regulations adopted by the SWRCB. Section 25299.2 allows local agencies to adopt more stringent requirements than those contained in state law and regulations.

The SWRCB adopted regulations, which prescribe monitoring, and construction standards for underground storage tanks.

VI. What are the Applicant's Rights and Responsibilities After the Approval is Given?

Responsibilities:

Leak Detection **-** The SWRCB's regulations require leak detection for UST systems as approved by the local agency.

Record keeping and Reporting **-** A tank owner/operator must comply with the following:

- A tank owner/operator must maintain leak detection monitoring records for three years and make them available for review by the local agency.
- Each tank owner/operator must notify the local agency of any changes to the permit application within 30 calendar days after the change, unless required to obtain approval before making the changes.
- A leak or spill from the primary containment into the secondary containment, which the operator can cleanup within eight hours shall be recorded on the operator's monitoring reports.
- Any leak or spill into the environment must be reported by the operator to the local agency within 24 hours. The operator must submit a written report on a leak report form provided by the local agency within five days of the leak or spill.

Tank Closures **-** Tanks must be removed in accordance with local agency requirements. The local agency, under certain conditions, will allow closure in place. In order for a tank to be closed in place, the owner must demonstrate that:

- All hazardous substances have been removed from the tank.
- The tank is filled with an inert solid.
- The tank is sealed.
- There is no significant soil contamination surrounding the tank.
- The tank will be maintained for as long as the local agency requires.

Leaks or Spills **-** In the event of a leak or spill from a tank containing motor vehicle fuel, a permit holder:

- May repair the tank once by an interior coating process under the following conditions:

The tank must be tested for thickness.

The material used to repair the tank must be compatible with the stored substance.

The material used to repair the tank by interior coating is approved by an independent testing organization and applied following nationally recognized engineering practices.

The tank must be tested before being placed back into service.

- Must record or report the spill (see Section VI (B) above).
- Must cleanup any spill.

Failure to Comply **-** An operator of an underground storage tank is liable for a civil penalty of $500 to $5,000 per day for failing to take certain actions concerning permitting, monitoring, maintaining records, compliance, and closure of an underground tank. A person falsifying reports or failing to file the unauthorized release report is subject to a fine of $5,000 to $10,000, or imprisonment in the county jail for up to one year, or both.

Rights: A permit applicant who believes that information submitted on the permit application form constitutes a trade secret as defined in Section 25290(a) of the Health and Safety Code must identify the trade secret information when submitting an application for a permit and submit legal justification for the report of confidentiality.

If the local agency, by ordinance, exempts persons storing trade secret substances from listing those substances on their permit application, the persons storing that substance shall send the list of trade secret substances directly to the SWRCB, bypassing the local agency.

VII. What are the Local Agency's Rights and Responsibilities after Granting the Permit?

The applicant is advised to review the local ordinance to ascertain the agency rights and responsibilities, as these may vary.

VIII. What other Agencies should the Applicant Contact?

Applicants should discuss the application with the local jurisdiction or the lead agency to determine the relationships of any other agencies.

IX. What other Sources of Information are Available to the Applicant?

Applicants may refer to the following publications for further information:

- *California Code of Regulations,* Title 23, Division 3, Chapter 16.
- Health and Safety Code, Section 25280 et seq.

These publications are generally available for review at county law libraries and the State Library in Sacramento. Excerpts from the California Code of Regulations may be purchased from:

Barclay Law Publishers
File Number 42021
Post Office Box 60000,
San Francisco, CA 94160-2021

The regulations and Chapter 6.7, Section 25280 of the *Health and Safety Code* are available from:

State Water Resources Control Board
Division of Clean Water Programs
Underground Storage Tank Program
P.O. Box 944212
Sacramento, CA 94244-2120
(916) 227-4303

Regional Water Quality Control Board Offices

North Coast Region
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403
(707) 576-2220
Fax (707) 523-0135

San Francisco Bay Region
1515 Clay St., Suite 140
Oakland, CA 94612
(510) 622-2300
Fax (510) 622-2460

Central Coast Region
81 Higuera St., Suite 200
San Luis Obispo, CA 93401-5427
(805) 549-3147
Fax (805) 543-0397

Los Angeles Region
320 W. 4th St., Suite 200
Los Angeles, CA 90013
(213) 576-6600
Fax (213) 576-6640

Central Valley Region
3443 Routier Rd, Suite A
Sacramento, CA 95827
(916) 255-3000
Fax (916) 255-3015

Fresno Branch Office
3514 E. Ashlan Avenue
Fresno, CA 93726
(559) 445-5116
Fax (559) 445-5910

Redding Branch Office
415 Knollcrest Drive
Redding, CA 96002
(530) 224-4845
Fax (530) 224-4857

Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
(530) 542- 5400
Fax (530) 544-2271

Victorville Branch Office
15428 Civic Dr, Suite 100
Victorville, CA 92392
(760) 241-6583
Fax (760) 241-7308

Colorado River Basin Region
73-720 Fred Waring Dr.,
Suite 100
Palm Desert, CA 92260
(760) 346-7491
Fax (760) 341-6820

Santa Ana Region
3737 Main St., Suite 500
Riverside, CA 92501
(909) 782-4130
Fax (909) 781-6288

San Diego Region
9771 Clairemont Mesa Blvd., Suite A
San Diego, CA 92124
(858) 467-2952
Fax (858) 571-6972

Table 12: Regional Water Quality Control Board Offices

State Water Resources Control Board Underground Tank Program

Local Implementing Agencies

City of Anaheim
Deputy Fire Marshal
Fire Prevention Division, Underground Tank Section
201 S Anaheim Blvd, Rm. 300
Anaheim, CA 92805-3820
(714) 254-4050 (714) 254-4008 Fax

City of Bakersfield
Hazardous Materials Coordinator
Bakersfield City Fire Department
1715 Chester Ave., 3rd F1.
Bakersfield, CA 93301
(805) 326-3979 (805) 326-0576 Fax

City of Berkeley
Emergency Toxics Coordinator
Toxics Program Division/O.S.C.S.
2065 Kittredge St., Suite K
Berkeley, CA 94704
(510) 644-7719 (510) 644-7708 Fax

City of Burbank
Burbank Fire Department
353 East Olive Avenue
Burbank, CA 91502
(818) 238-3473 (818) 238-3483 Fax

City of Campbell
Central Fire Protection District
Fire Prevention Department
14700 Winchester Blvd.
Los Gatos, CA 95030-1818
(408) 378-4010 (408) 378-9342 Fax

City of Cupertino
Central Fire Protection District
Fire Prevention Department
14700 Winchester Blvd.
Los Gatos, CA 95030- 1818
(408) 378-4010 (408) 378-9342 Fax

City of Fremont
Fire Marshal
Fremont Fire Prevention Bureau
P.O. Box 5006
Fremont, CA 94537-5006
(510) 494-4279 (510) 494-4822 Fax

City of Fullerton
Underground Tanks Specialist
Fire Department, U.S.T. Section
312 E. Commonwealth Ave.
Fullerton, CA 92632
(714) 738-3160 (714) 738-5355 Fax

City of Gilroy
Chemical Control Supervisor
7351 Rosanna St.
City Hall
Gilroy, CA 95020
(408) 848-0430

City of Glendale
Hazardous Materials Supervisor
Glendale Fire Department
780 Flower Street
Glendale, CA 91201-3057
(818) 548-4030 (818) 549-9777 Fax

City of Hayward
Hazardous Materials Coordinator
Hayward Fire Department
25151 Clawiter Road
Hayward, CA 94545-2731
(510) 293-8695

City of Healdsburg
Fire Chief
Healdsburg Fire Department
601 Healdsburg Ave.
Healdsburg, CA 95448
(707) 431-3360

City of Hesperia
Fire Prevention Officer
Hesperia Fire Prevention Department
17288 Olive Street
Hesperia, CA 92345
(619) 947-1603 (619) 244-9174 Fax

City of Hollister
Environmental Services Director
Environmental Services Department
395 Apollo Court
Hollister, CA 95025
(408) 636-4330

City of Long Beach
Captain - UST Program Manager
Long Beach Fire Department
925 Harbor Plaza, Ste. 100
Long Beach, CA 90802
(310) 590-2560 (310) 590-2566 Fax

City of Los Angeles
Bureau of Fire Prevention & Public Safety
City Hall East - UST Section
200 North Main St, Room 920
Los Angeles, CA 90012
(213) 237-0605 (213) 237-0321

City of Los Gatos
Hazardous Materials Specialist
Central Fire District
14700 Winchester Blvd.
Los Gatos, CA 95030-1818
(408) 378-4010 (408) 378-9342 Fax

City of Los Gatos
Hazardous Materials Specialist
Central Fire District
14700 Winchester Blvd.
Los Gatos, CA 95030-1818
(408) 378-4010 (408) 378-9342 Fax

City of Milpitas
Assistant Fire Marshall, Hazardous Material Program
Milpitas Fire Department
777 S Main Street
Milpitas, CA 95035
(408) 942-2389

City of Morgan Hill
Senior Hazardous Materials Specialist
Fire Prevention Department
14700 Winchester Blvd.
Los Gatos, CA 95037
(408) 378-4010 (408) 378-9342 Fax

City of Mountain View
Hazardous Materials Manager
Mountain View Fire Department
1000 Villa Street
Mountain View, CA 94041
(415) 903-6378

City of Newark
Hazardous Materials Specialist
Newark Fire Department
37101 Newark Blvd.
Newark, CA 94560
(510) 790-7254 (510) 790-7281 Fax

City of Orange
Hazardous Materials Specialist
Orange Fire Department
176 South Grand Street
Orange, CA 92666
(714) 288-2541 (714) 997-3281 Fax

City of Oroville
Fire Prevention Operator
Oroville Fire Department
2055 Lincoln Street
Oroville, CA 95966
(916) 538-2487 (916) 538-2409 Fax

City of Palo Alto
Hazardous Materials Specialist
Palo Alto Fire Department
250 Hamilton Avenue
Palo Alto, CA 94301
(415) 329-2184

City of Pasadena
Hazardous Mat. Specialist
Pasadena Fire Department
199 S Los Robles, #550
Pasadena, CA 91101
(818) 405-4115 (818) 585-9164 Fax

City of Pleasanton
Battalion Chief
Pleasanton Fire Department
P.O. Box 520
Pleasanton, CA 94566-0802
(510) 484-8114 (510) 484-8178 Fax

City of Roseville
Life Safety Hazardous Mat. Officer
Roseville Fire Department
401 Oak Street, #402
Roseville, CA 95678
(916) 774-5805 (916) 774-5810 Fax

City of Sacramento
Deputy Chief
Sacramento City Fire Department
1231 I Street, Ste. 401
Sacramento, CA 95814-2979
(916) 264-5266

City of San Jose
Hazardous Materials Program Manager
City of San Jose
4 North 2nd Street, # 1100
San Jose, CA 95113
(408) 277-4659

City of San Leandro
Hazardous Materials Coordinator
San Leandro Fire Department
901 East 14th Street
San Leandro, CA 94577
(510) 577-3331 (510) 577-3295 Fax

City of San Luis Obispo
Underground Tank Inspector
City Fire Department
748 Pismo Street
San Luis Obispo, CA 93401
(805) 781-7380 (805) 543-8019 Fax

City of San Rafael
Deputy Fire Marshall
San Rafael Fire Department
1039 C Street.
San Rafael, CA 94901
(415) 485-3308

City of Santa Ana
Underground Tank Coordinator
Santa Ana Fire Department
1439 South Broadway
Santa Ana, CA 92707
(714) 647-5700 (714) 647-5779 Fax

City of Santa Clara
Chemical Specialist
Santa Clara Fire Department
777 Benton Street
Santa Clara, CA 95050
(408) 984-3084

City of Santa Monica
Environmental Coordinator
Environmental Programs Division
200 Santa Monica Pier, #E
Santa Monica, CA 90401
(310) 458-8227 (310) 393-1279 Fax

City of Santa Rosa
Fire Marshal
Santa Rosa Fire Department
955 Sonoma Avenue
Santa Rosa, CA 95404
(707) 524-5311 (707) 524-5070 Fax

City of Scotts Valley
Hazardous Materials Officer
Scotts Valley Fire Dist.
7 Erba Lane
Scotts Valley, CA 95066
(408) 438-0211

City of Seaside
Hazardous Material Specialist
Seaside Fire Department
1635 Broadway Avenue
Seaside, CA 93955
(408) 899-6262

City of Sebastopol
Acting Fire Chief
Fire Department
7425 Bodega Ave.
Sebastopol, CA 95472
(707) 823-8061

City of Sunnyvale
Sr. Hazardous Materials Specialist
Department of Public Safety
700 All America Way
Sunnyvale, CA 94086
(408) 730-7212

City of Torrance
Hazardous Materials Specialist
Fire Prevention Division
3031 Torrance Boulevard
Torrance, CA 90503
(310) 618-2973 (310) 781-7506 Fax

City of Union City
Hazardous Materials Program Coordinator
Fire Department
34009 Alvarado-Niles Road
Union City, CA 94587
(510) 471-1424 (510) 475-7318 Fax

City of Vallejo
Inspector
Fire Department
703 Curtola Parkway
Vallejo, CA 94590
(707) 648-4565

City of Ventura
Hazardous Materials Officer
Ventura Fire Department
501 Poli St.
Ventura, CA 93002
(805) 658-4711 (805) 658-9335 Fax

City of Vernon
Director
Environmental Health
4305 Santa Fe Avenue
Vernon, CA 90058
(213) 583-8811 (213) 583-4451 Fax

City of Victorville
Fire Prevention Specialist
Victorville Fire Department
14343 Civic Drive
Victorville, CA 92392
(619) 955-5229

City of Watsonville
Assistant Chief
Fire Department
115 Second Street
Watsonville, CA 95076
(408) 728-6062

Table 13: City Underground Tank Agencies

County of Alpine
Environmental Health Specialist II
Alpine Co. Health Department
P.O. Box 545
Markleeville, CA 96120
(916) 694-2146 (916) 694-2770 Fax

County of Amador
Underground Tank Coordinator
Environmental Health Division
500 Argonaut Lane
Jackson, CA 95642
(209) 223-6439 (209) 223-6228 Fax

County of Butte
Program Manager
Environmental Health Division
1469 Humboldt Road
Chico, CA 95928
(916) 891-2727 (916) 895-6512 Fax

County of Calaveras
Director
Environmental Health Dept.
Govt. Center, 891 Mountain Ranch Rd
San Andreas, CA 95249
(209) 754-6399 (209) 754-6722 Fax

County of Colusa
Environmental Health Specialist
Environmental Health
P.O. Box 610
Colusa, CA 95932
(916) 458-0397 (916) 458-4136 Fax

County of Contra Costa
Deputy Director
Occupational Health/Hazardous Materials
4333 Pacheco Boulevard
Martinez, CA 94553
(510) 646-2286

County of Del Norte
Environmental Health Specialist II
Department of Public Health
909 Highway 101 North
Crescent City, CA 95531
(707) 464-7227 (707) 465-4573 Fax

County of El Dorado
Senior Environmental Health Specialist
Department of Environ. Health Management
2X50 Fairlane Court
Placerville, CA 95667
(916) 621-5307 (916) 642-1531 Fa

County of Fresno
Division Manager
Environmental Health System
P.O. Box 11867
Fresno, CA 93775
(800) 742-1011 (209) 445-3379 Fa

County of Glenn
Sr. Air Pollution Specialist
Air Pollution Control District
P.O. Box 351
Willows, CA 95988
(916) 934-6500

County of Humboldt
Supervisor Environmental Health Specialist
Environmental Health Division
100 H St., Suite 100
Eureka, CA 95501
(707) 441-2002 (707) 441-5699 Fa

County of Imperial
Planning Director
Planning & Building Insp. Dept
939 Main Street
El Centro, CA 92243
(619) 339-4236 (619) 353-8338 Fa

County of Inyo
Director
Environmental Health
P.O. Box 427
Independence, CA 93526
(619) 878-2411 (619) 872-2712 Fa

County of Kern
Hazardous Materials Specialist
Environmental Health
2700 M Street, Suite 300
Bakersfield, CA 93301
(805) 862-8700 (805) 862-8701 Fa

County of Kings
Director
Division of Environmental Services
330 Campus Drive
Hanford, CA 93230
(209) 584-1411 (209) 584-6040 Fax

County of Lake
Hazardous Materials Specialist
Lake County Environ Health Division
922 Bevins Court
Lakeport, CA 95453
(707) 263-2222

County of Lassen
Agricultural Commission
Lassen Co. Dept. of Agriculture
175 Russell Avenue
Susanville, CA 96130
(916) 257-8311

County of Los Angeles
Industrial Waste Planning & Control
Waste Management Division
P.O. Box 1460
Alhambra, CA 91802- 1460
(818) 458-3539 (818) 458-3569 Fax

County of Madera
Underground Tank Program Manager
Environmental Health
135 West Yosemite Avenue
Madera, CA 93637
(209) 675-7823

County of Marin
Office of Waste Management
Hazardous Materials Specialist
10 N. San Pedro Rd., Suite 1022
San Rafael, CA 94903-4155
(415) 499-6647 (415) 499-6510 Fax

County of Mariposa
Environmental Health Specialist
Mariposa Co. Health Department
P.O. Box 5
Mariposa, CA 95338
(209) 966-0200

County of Mendocino
Supervisor Hazardous Material Spec.
Environmental Health
880 N. Bush St.
Ukiah, CA 95482
(707) 463-4466

County of Merced
Sr. Environmental Health
385 East 13th Street, P.O. Box 471
Merced, CA 95340
(209) 385-7391

County of Modoc
Agriculture Commissioner
202 West 4th Street
Alturas, CA 96101
(916) 233-6401

County of Mono
Environmental Health Specialist 3
Mono County Health Department
P.O. Box 476
Bridgeport, CA 93517
(619) 932-7484 (619) 932-5284 Fax

County of Monterey
Hazardous Materials Program Supervisor
Environmental Health
1270 Natividad Road, Rt. 301
Salinas, CA 93906
(408) 755-4541

County of Monterey
Hazardous Materials Specialist
Hazardous Materials Section
1200 Aguajito Road
Monterey CA 93940
(408) 647-7654

County of Napa
Environmental Health Manager Hazardous Materials
Section 1195 Third St.,
Room 101 Napa, CA 94559
(707) 253-4269 (707) 253-4545 Fax

County of Nevada
Hazardous Materials
Division Supervisor
Nevada Co. Health Department
950 Maidu Avenue
Nevada City, CA 95959
(916) 265-1452

County of Orange
Assistant Director Environmental Health
2009 East Edinger Avenue
Santa Ana, CA 92705
(714) 667-3773 (714) 972-0749 Fax

County of Placer
Supervisor, Hazardous Materials Section
Division of Environmental Health
11454 B Avenue
Auburn, CA 95603
(916) 889-7335 (916) 889-7370 Fax

County of Plumas
Environmental Health Specialist
P.O. Box 480
Quincy, CA 95971
(916) 283-6355 (916) 283-6241 Fax

County of Riverside
Supervising Hazardous Materials Spec.
Environmental Health
4065 County Circle Dr.
Riverside, CA 92513
(909) 358-5055 (909) 358-5017 Fax

County of Sacramento
Hazardous Materials Division Chief
Environmental Management Department
8475 Jackson Road, Suite 230
Sacramento, CA 95826
(916) 386-6160

County of San Benito
Sanitarian, Health Department
111 San Felipe Rd., Suite 101
Hollister, CA 95023
(408) 637-5367 (408) 637-9073 Fax

County of San Bernardino
Environmental Specialist
Department of Environmental Health Services
385 North Arrowhead
San Bernardino, CA 92415-0160
(714) 387-3080 (714) 387-4323 Fax

County of San Diego
Chief of Hazardous Materials Management Division
Environmental Health Services
1255 Imperial Avenue
San Diego, CA 92101-5261
(619) 338-2395 (619) 441-6656 Fax

County of San Francisco
Department of Public Health
Bureau of Toxic Health & Safety Services
101 Grove Street, Room 220
San Francisco, CA 94102
(415) 554-2775 (415) 554-2772 Fax

County of San Joaquin
Program Manager
Environmental Health Division
P.O. Box 388
Stockton, CA 95201-0338
(209) 468-3420 (209) 464-0138 Fax

County of San Luis Obispo
Hazardous Materials Coordinator
Environmental Health
P.O. Box 1489
San Luis Obispo, CA 93406
(805) 781-5544 (805) 781-4211 Fax

County of San Mateo
UST Program Manager
Environmental Health
590 Hamilton Street, 4th Floor
Redwood City, CA 94063
(415) 363-4565 363-7882 Fax

County of Santa Barbara
Program Manager
Protective Services Division
4410 Cathedral Oaks Rd.
Santa Barbara, CA 93110
(805) 681-4044 (805) 681-4901 Fax

County of Santa Clara
Supervisor Hazardous Material Spec.
Health Department-Toxics
2220 Moorpark Avenue
San Jose, CA 95128
(408) 299-6930

County of Santa Cruz
Program Manager
Environmental Health
701 Ocean Street, Room 312
Santa Cruz, CA 95060
(408) 454-2002

County of Shasta
Deputy Director
Environmental Health
1640 West Street
Redding, CA 96001
(916) 225-5787

County of Sierra
Environmental Health Specialist
Health Department
P.O. Box 7
Loyalton, CA 96118
(916) 993-6700

County of Siskiyou
Director
Environmental Health Department
806 South Main Street
Yreka, CA 96097
(916) 842-8230 (916) 842-8239 Fax

County of Solano
Program Manager
Solano Co. Environmental Health Services
601 Texas Street
Fairfield, CA 94533
(707) 421-6770

County of Sonoma
Supervisor Environmental Health Spec.
Sonoma Co. Department of Pub. Health.
1030 Center Drive, Suite A
Santa Rosa, CA 95403
(707) 525-6560

County of Stanislaus
Program Manager
Dept of Environmental Research
Hazardous Materials Division
1716 Morgan Road
Modesto, CA 95351

Table 14: County Underground Tank Agencies

Resources Agency

The California Resources Agency is responsible for the conservation, enhancement and management of California's natural and cultural resources, including land, water, wildlife, parks, minerals, and historic sites. The Agency is composed of departments, boards, conservancies, commissions, and programs. Permits issued by the following Resources agencies are discussed in this section:

- California Coastal Commission
- Department of Fish and Game
- Department of Water Resources
- San Francisco Bay Conservation and Development Commission
- Tahoe Regional Planning Agency
- The Energy Commission
- The Reclamation Board
- State Lands Commission

California Coastal Commission

Coastal Development Permit

I. Who needs a Coastal Development Permit?

Any person or public agency proposing development within the coastal zone must obtain a Coastal Development Permit from either the Coastal Commission (Commission) or the city or county having authority to issue coastal development permits. In general, the coastal zone extends from the State's three-mile seaward limit to an average of approximately 1,000 yards inland from the mean high tide of the sea. In coastal estuaries, watersheds, wildlife habitats, and recreational areas, the coastal zone may extend as much as five miles inland. In developed urban areas, the coastal zone may extend inland less than 1,000 yards from the mean high tide of the sea. The coastal zone does not include areas over which the San Francisco Bay Conservation and Development Commission (BCDC) has permit authority (See the entry for BCDC).

A development is broadly defined and includes, for example, such things as subdivisions and other changes in the density or intensity of use of land or water. The activities listed below are generally exempt from the Commission's permit requirements except for those projects that pose a risk of substantial adverse environmental impact:

- Improvements to existing single-family residences.
- Repair or maintenance dredging of less than 100,000 cubic yards in existing navigational channels.
- Repair or maintenance that will not enlarge an existing structure.
- Installation, testing, or replacement of necessary utility connections for developments approved by the Commission.
- Construction of development projects in categories that the Commission has determined will not harm coastal resources or public access to the coast.
- The replacement of any structure (except public works facilities), which is destroyed by a disaster.
- The conversion of an existing multiple-unit residential structure to a time-share project.
- Any project that has obtained an acknowledgment of vested rights under the California Coastal Zone Conservation Act of 1972 or the California Coastal Act of 1976. This exemption applies only if the developer-applicant has not substantially changed the project.

II. Where Should Applicants Apply?

Applicants should direct inquiries and applications to the city or county where the project site is located and to the District Office of the Commission for the area in which the proposed project is located.

California Coastal Commission

HEADQUARTERS
Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Phone (415) 904-5200

District Offices

North Coast District Office
Steve Scholl, District Director
Bob Merrill, District Manager
710 "E" Street, Suite 200
Eureka, CA 95501
Phone (707) 445-7833
Jurisdiction: *Humboldt, Del Norte, and Mendocino Counties*

North Central Coast District Office
Steve Scholl, Deputy Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Phone (415) 904-5260
Jurisdiction: *Sonoma, San Francisco, Marin, and San Mateo Counties*

Central Coast District Office
Tami Grove, Deputy Director
Charles Lester, District Manager
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
Phone (831) 427-4863
Jurisdiction: *Monterey, Santa Cruz, and San Luis Obispo*

South Central Coast District Office
Charles Damm, Senior Deputy Director
Gary Timm, District Manager
89 South California Street, Suite 200
Ventura, CA 93001-2801
Phone (805) 641-0142
Jurisdiction: *Santa Barbara, Ventura Counties and Malibu/Santa Monica Mountains Area*

South Coast District Office
Charles Damm, Senior Deputy Director
Deborah Lee, Deputy Director
Teresa Henry, District Manager
200 Oceangate, 10th Floor
Long Beach, CA 90802-4325
Phone (562) 590-5071
Jurisdiction: *Los Angeles (except Malibu/Santa Monica Mountains) and Orange Counties*

San Diego Coast District Office
Charles Damm, Senior Deputy Director
Deborah Lee, Deputy Director
Sherilyn Sarb, District Manager
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
Phone (619) 767-2370
Jurisdiction: *San Diego County*

Table 15: Coastal Commission District Offices

The California Coastal Act of 1976 authorized the Commission to issue Coastal Development Permits until such time as the cities and counties within the coastal zone obtained certification of their own local coastal development programs. Once the Commission certifies a local program, authority to issue most Coastal Development Permits reverts to the city or county. Many local governments in the coastal zone have been at least partially certified.

The Commission retains permit authority over tidelands, submerged lands, and certain lands held in the public trust. The Commission also retains authority to determine whether federal project activity in the coastal zone (such as activity on the Outer Continental Shelf), which affects the zone, is consistent with state policies for the coast. The Commission further retains authority to determine appeals of certain locally issued development permits and must approve all amendments to the local coastal program. The Commission is also required to periodically review each certified local coastal program to determine whether the program is being effectively implemented in conformity with the Coastal Act.

III. That Information Should Applicants Provide Upon Application?

When applying directly to the Commission, applicants must include the following information on the form entitled "Application for Coastal Development Permit," available at Commission district offices:

- Name, address, and telephone number of all applicants and the applicant's representative
- Project location and assessor's parcel number
- Detailed Project description, including:
  - ? Nature of proposed development
  - ? Present use of the property
  - ? Estimated project cost
  - ? Previous coastal development application numbers
  - ? Height of the project
  - ? Number of floors in the building
  - ? Gross structural area
  - ? Lot area
  - ? Lot coverages
  - ? Parking facilities
  - ? Utility extensions
  - ? Proximity to public road
- Description of the property, including:
  - ? Nearest coastal access point
  - ? Grading and drainage plans
  - ? Discussion of project effects on public trust lands, recreation, agricultural land, sensitive habitat areas, views, and stream flows
- Attachments, including:
  - ? Verification of applicant's interest in property (tax bill, deed).
  - ? Assessor parcel map.
  - ? Copies of required local approvals, if available.
  - ? A list containing names, addresses, and assessor parcel map numbers of property owners and occupants of property within 100 feet of the project, and all other parties known to the applicant to have an interest in the property.

- ? A stamped, business size envelope addressed to each identified property owner and occupant of property situated within 100 feet of property lines and interested parties.
- ? Location map.
- ? Project plans including site plans, floor plans, evaluations, landscape plans, and septic system plans.
- ? Documentation of all required permits and approvals from local, state, and federal agencies.
- ? Copies of any environmental document required by the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), if available.
- ? Site-specific geology and soils report for bluff areas and areas of high geological risk
- ? Biological survey, hydrologic mapping or other appropriate reports for sensitive habitat areas, flood plains, or areas of important resources.

IV. What Application Fee must the Applicant Submit?

The Commission ordinarily waives the fees for public agency projects. Private applicants must submit a fee computed according to the following schedule:

Residential Development:

Single-family residence:

De minimis waiver	$200
On administration or consent calendar	$200
On public hearing calendar:	
1500 sq. ft. or less	$250
1501 sq. ft. to 5000 sq. ft.	$500
5000 sq. ft. or more.	$1,000
Additions or improvements to single-family dwellings	
De minimis waiver	$200

Multiple residential: (including residential subdivisions, re-subdivisions or condo conversions)

2-4 units	$600
5-16 units	$2,000
17-166 units (per unit)	$120
167 units or more	$20,000

Land Divisions

Lot Line Adjustment/Existing unit(s) with only one new lot created	$600

Grading Fee for Residential Projects:

For residential projects that are not scheduled on the administrative calendar, if more than 75 cubic yards of grading is proposed, an additional fee applies	$200

Office, Commercial, Conventional or Industrial Development:

Up to and including 1,000 sq. ft. (gross)	$500
1.001 to 10,000 sq. ft. (gross)	$2,000
10,001 to 25,000 sq. ft. (gross)	$4,000
25,001 to 50,000 sq. ft. (gross)	$8,000
50,001 to 100,000 sq. ft. (gross)	$12,000
100,001 or more sq. ft. (gross)	$20,000
Any major energy production or fuel processing facility	$20,000

Other Fees:

Administrative Permit	$200
Emergency Permit	$200
Amendments:	
Immaterial amendments	$200
Material amendments [50% of fee applicable to underlying permit if it were submitted today)	
Extensions and Reconsiderations:	
Single family residences	$200
All other developments	$400
Request for continuance:	
1st request	no charge
Each subsequent request (where Commission approves)	$100
De minimis and other waivers	$200
Public works facilities [if public agency is applicant]	no charge
Temporary events [if not scheduled on administration calendar]	$500
Any other development not otherwise covered	
Development cost up to and including $100,000	$600
$100,001 to $500,000	$2,000
$500,001 to $1,250,000	$4,000
$1,250,001 to 2,500,000	$8,000
$2,500,001 to 5,000,000	$12,000
$5,000,001 or more	$20,000

Note: Fees for after-the fact permits shall normally be double the regular permit fee cost. Fees are subject to change

In addition to the above fees, the Commission may require the applicant to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the cost of providing

public notice. This schedule has been developed to assist permit applicants in calculating the necessary processing fees. The full text of the fee schedule may be found in section 13055 of the Commission's Administrative Regulations.

Permits will not be issued without full payment of all applicable fees. If final action by the Commission results in a lower fee than initially submitted by the applicant, then a refund is due.

The Executive Director may waive the application fee when requested by resolution of the Commission. The Commission may require the applicant to reimburse it for any additional reasonable expense incurred in its consideration of the permit application.

V. How does the Commission Evaluate and Process the Application?

Criteria: The Commission, made up of representatives from various coastal areas and state agencies, reviews coastal development permits for conformity with the coastal policies of the California Coastal Act. The Commission may consider its own interpretive guidelines and past precedents. Applicants should understand that the Commission sometimes requires provision of public access. In most cases, the application will be reviewed by the district staff and placed on the Commission agenda for the earliest possible meeting. Staff will determine if the application can be put on either the consent or administrative calendar or whether it must receive a full public hearing. If the applicant believes the project is exempt from permit requirements because he or she holds a vested right, an exemption may be requested. The applicant may also request a waiver for projects, which have no potential adverse impacts on coastal resources.

After receiving preliminary approval from all other local or state permit-granting agencies, the applicant should post a notice of the proposed project at the site of the project and submit a complete application to the appropriate District Office of the Commission. Within the 30-day application review period under the Permit Streamlining Act, staff determines whether an application is complete. If the application is complete, the Executive Director considers it formally filed and the review begins. If the application is incomplete, the applicant is notified, and any additional information required is identified. If the application is determined incomplete, the applicant may appeal the decision to the Commission. When the applicant has supplied all the necessary information, the Executive Director considers the application filed and begins the review. The Commission will provide the applicant with a notice of the proposed project along with an acknowledgment of the receipt of the application. The applicant must then immediately post the notice in a conspicuous location on the project site.

Public Hearing Items **-** Projects potentially inconsistent with the Coastal Act or which can be approved only with conditions for which there are no clear precedents will be placed on the regular calendar and will be considered after a full public hearing. The Executive Director prepares a summary of the proposed project including maps, drawings, and any environmental document required by the California Environmental Quality Act. The Executive Director forwards copies of this summary to the applicant, the Commission members, cities, counties, state agencies, and other parties with an interest in the project. The Executive Director then sets the application for public hearing before the Commission.

The Executive Director submits a notice to the applicant and all interested parties containing the filing date and number assigned to the application, a project description, and the date, time, and place of the public hearing. This notice also describes general hearing procedures and directions to persons wishing to participate in the public hearing.

The Commission staff comments on the proposed project to the Commission at the public hearing. The staff discusses the policies in the Coastal Act, which apply to the project, to previous applications related to the project, to public comments on the permit application, and to any legal questions raised by the application. The staff also responds to significant environmental issues raised by other state agencies or the public and discusses previous permit decisions by the Commission that may set a precedent for a decision on the application.

To expedite permit processing, the Commission seeks to act on the agenda items at the close of the public hearing on the day the proposal is first heard. When there is insufficient information for staff to make a preliminary recommendation, a project may be continued to the next public hearing with Commission voting to follow the hearing.

Consent Calendar Items **-** Projects considered by staff to be consistent with the Coastal Act, but which do not qualify for the administrative calendar, may be placed on the consent calendar. The Commission will approve projects on the consent calendar with a single vote for the entire calendar. If three or more commissioners wish to pull an item off consent, that item will be rescheduled for a public hearing and possible vote at the next regular Commission meeting. Conditions may be attached to consent calendar permits. Applicants and other interested parties may be heard with respect to the project or its conditions.

Administrative Items **-** Administrative permits may be granted by the Executive Director for improvements to existing structures, single-family residences, or multi-family projects of four units or less within any unincorporated area that does not require demolition and, any other developments not in excess of $100,000 other than a land division and any development authorized by a certified land use plan as a principal permitted use. The Coastal Act requires that all administrative permits be reported to the Commission at its next meeting before they take effect. Administrative permits will be reported on the administrative calendar. If four or more commissioners request that an item be held for public hearing, the project will be removed from the administrative calendar and scheduled for a public hearing and possible vote at the next regular Commission meeting. Conditions may be attached to an administrative permit. Applicants and other interested parties may present oral comments on the project or its conditions during the public hearing.

Requests for Reconsideration **-** An applicant may request that the Commission reconsider its previous action on a permit. The request for reconsideration must be made within 30 days of the decision on the application for a permit. The applicant must show that there is relevant new evidence which could not have reasonably been presented at the original hearing or that an error of fact or law occurred. Only the applicant and persons who participated in the original proceedings are eligible to testify. If the commissioners grant reconsideration, the matter will be scheduled for a public hearing as if it were a new application.

Categorically Excluded Development **-** In some areas of the coast, certain types of new development, such as single-family residences, are exempt from requirements for a coastal development permit. Applicants should contact the appropriate district office to determine if their project qualifies for an exemption.

Emergency Permits **-** An applicant may apply to the Executive Director for an emergency permit by telephone, by letter, or in person, indicating the nature, location, and cause of the emergency, the proposed project, and the probable consequences of failure to carry it out. The Executive Director grants a request for an emergency permit if there is a bona fide emergency and if:

- The proposed work is necessary to prevent loss or damage to life, health, property, or essential public services.
- Time does not allow the Commission to follow normal procedures.
- The proposed work is consistent with the requirements and the policies of the California Coastal Act of 1976.

If time allows, the Executive Director will give other agencies and interested members of the public an opportunity to review the proposed project. Upon determining that a proposed project meets the criteria above, the Executive Director immediately grants a permit. The emergency permit may be subject to reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later.

Waivers - An applicant may apply to the Executive Director for a waiver of permit requirements for projects, which have no potential for adverse effects, either individually or cumulatively, on coastal resources and which will be consistent with the policies of the Coastal Act. The waiver takes effect only after the next regularly scheduled Commission meeting, provided four or more commissioners do not object to the Executive Director's issuance of the waiver.

Appeals to the Commission

No Certified Local Coastal Program - Where a local government has been given the authority to issue coastal development permits prior to certification of its Local Coastal Program (LCP), all local permit decisions may be appealed to the Coastal Commission. If no appeal is filed, the local action is final after the 20th working day after the receipt of the notice of the permit decision by the Executive Director.

With Certified Local Coastal Program -. Appeals of local government permits reviewed under a certified LCP are limited. Local permit decisions may be appealed for only the following types of developments:

- Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- Developments approved by the local government located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff;
- Developments approved by the local government that are located in a sensitive coastal resource area.
- Developments approved by the coastal county that are not designated as the principal permitted use under the zoning portion of the LCP; and,
- Any development that constitutes a major public works project or a major energy facility.

The grounds for appeal of approvals under (a) through (e) are limited to an allegation that the development does not conform to the certified LCP or the public access policies of the coastal act.

For appeals of a denial of a permit for a major public works project or major energy facility under (e) it must be alleged that the development does conform to the certified LCP and the public access policies of the Coastal Act.

If no appeal is filed, the local action is final on the 10th working day after the receipt by the Executive Director of a complete notice of final permit action.

VI. What are the Applicant's Rights and Responsibilities after the Permit is Granted?

Rights: The applicant may transfer the approved permit to another party after submitting to the Commission:

- The original developer-applicant's request to transfer the permit
- A copy of the original permit showing that it has not expired
- An affidavit certifying that the assignee agrees to comply with the terms and the conditions of the original permit
- Evidence of assignee's legal interest in the property and ability to undertake the approved project
- A $200.00 application fee.

The applicant may request to extend the permit for a period not to exceed one year beyond the termination date. To extend the permit, the applicant should submit the request accompanied with $400.00 ($200.00 for a single-family home) to the Executive Director of the Commission, together with evidence of a valid permit and the applicant's continued legal interest in the property.

The applicant may request an amendment to an approved permit. However, if the proposed amendment would lessen the effect of a previously approved permit, it may not be accepted unless it is based on new information, which could not have been presented at the original hearing on the permit. The applicant must submit a $200.00 fee for immaterial amendments or a fee of one-half the full permit fee for material amendments and file a complete description of the proposed modification to the Executive Director of the Commission. The Executive Director determines whether the proposed modification constitutes a material change to the approved project. If the amendment is immaterial, the Executive Director posts a notice at the project site and notifies all parties known to have an interest in the project. If no one objects within l0 working days of the notice, the Executive Director approves the amendment.

If there are objections, or if the amendment constitutes a change to the approved project, the Executive Director schedules the proposed amendment for a public hearing before the Commission. The Commission will determine by majority vote whether the proposed development as amended is consistent with the California Coastal Act of l976.

Responsibilities: The applicant must abide by all terms and conditions of the coastal development permit.

VII. What are the Commission's Rights and Responsibilities after the Permit is Granted?

Rights: The Commission staff may ask local agency officials to inspect the project site at any time to determine whether the applicant is complying with the approved permit and may seek an inspection warrant if permission for such a site visit is denied. If the Commission determines that the requirements of a permit have not been complied with, it may seek correction of the problem through issuance of either a restoration or a cease and desist order.

The Commission may revoke a permit for any one of the following reasons:

- The applicant included inaccurate or incomplete information on the permit application and the Commission finds that accurate information would have caused it to require conditions to the permit or to deny it altogether.
- The applicant failed to provide all names of property owners within l00 feet of the project site.
- The applicant failed to post a notice of the application at the project site.

Responsibilities: The Coastal Commission monitors coastal development to uphold the policies of the California Coastal Act.

VIII. What Other Agencies should the Applicant Contact?

The applicant should consider whether the agencies listed below must issue permits for the proposed project:

A. Local - City, county, or special district

B. State - Air Pollution Control District

Department of Fish and Game

Regional Water Quality Control Board

State Lands Commission

State Water Resources Control Board

C. Federal - United States Army Corps of Engineers

United States Fish and Wildlife Service (Where threatened or endangered species are involved)

IX. What Other Sources of Information are Available to the Applicant?

Applicants may refer to the publications listed below for further information about coastal development permits:

- *California Public Resources Code,* Sections 30000 et seq. (California Coastal Act of l976);
- California Coastal Commission Interpretive Guidelines; and,
- *California Code of Regulations,* Title l4, Section l3000 et seq.

These publications are generally available at all Commission district offices and at the State Coastal Commission office. The Public Resources Code and the California Code of Regulations may be found at county law libraries, the State Library in Sacramento, and www.leginfo.ca.gov.

Department of Fish and Game (DFG)

Lake or Streambed Alteration Agreements

The information below describes the Department of Fish and Game's (Department) Lake and Streambed Alteration Program and the process for obtaining a Lake or Streambed Alteration Agreement (Agreement). This and other information regarding the Department's Lake and Streambed Alteration Program is available on the Internet at http://www.dfg.ca.gov/legal/index.html.

I. Who needs a Lake or Streambed Alteration Agreement?

Section 1603 of the Fish and Game Code requires any person, governmental agency, or public utility proposing any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream, or lake, or proposing to use any material from a streambed, to notify the Department of such proposed activity before beginning the project. Based on the information contained in the notification form and a possible field inspection, the Department may propose reasonable modifications in the proposed construction as would allow for the protection of the fish and wildlife resources. Upon request, the parties may meet to discuss these modifications. If the parties cannot agree and execute a Lake or Streambed Alteration Agreement, then the matter may be referred to arbitration.

Similarly, under Section 1601 of the Fish and Game Code, before any state or local governmental agency or public utility begins a construction project that will: (1) divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake (2) use materials from a streambed or (3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake, it must first notify the Department of the proposed project.

Generally speaking, the notification requirement applies to any work undertaken within the annual high-water mark of a wash, stream, or lake, which contains or once contained fish and wildlife or supports or once supported riparian vegetation.

II. Where should the Applicant Submit Notifications?

Applicants should direct inquires and notifications (applications) for proposed lake/streambed alterations to the Department of Fish and Game Regional (Regional) office in the area where the proposed project is located.

Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. If an applicant is not certain that the proposed project will require Agreement, the Department recommends that the applicant submit a complete notification package. Notification packages are available from any Department regional office. The addresses and telephone numbers of the Department's regional offices are listed below.

The Fish and Game Code and title 14 of the California Code of Regulations are available at all regional offices, county law libraries, the State Library in Sacramento, and the Internet at http://www.leginfo.ca.gov/calaw.html (Fish and Game Code) and http://www.calregs.com (regulations).

III. What Information should the Applicant Provide upon the Notification (Application)?

In order for the Department to determine whether an agreement may be required, the applicant must first complete the following forms:

- "Notification of Lake or Streambed Alteration" form (FG 2023) with attachments/enclosures
- "Project Questionnaire" form (FG 2024) with attachments/enclosures.

The Department evaluates the information in the notification form, project questionnaire, and attachments/enclosures to determine if an Agreement is required.

When a completed notification package is submitted to the Department, the required fees must be included. If the fees are not included, or if the applicant has not provided the information needed to evaluate the proposed project, the Department will consider the notification to be incomplete and return the submitted fees. This will slow the processing of the agreement. The current fee schedule for a Lake or Streambed Alteration Agreement is listed below.

Applicants should provide the following information on form FG 2023, "Notification of Removal of Materials and/or Alteration of Lake, River, or Streambed Bottom or Margin" available at any regional office:

- Name, address, and phone number of the developer-applicant, agent, property owner, and responsible operator, if applicable.
- Proposed date to begin the activity.
- Name of the stream, river or lake the project affects, and the name of the body of water to which the source is tributary.
- Location of project by section, township, range, county, county assessor's parcel number, distance and direction to local landmarks.
- Name, address, and telephone number of property owner.
- Nature of the proposed activity, such as sand, soil, gravel, or boulder removal or displacement; mining, road construction (bridges and stream crossings), dredging, logging, dam construction, or water diversion or impoundment; and levee or channel construction.
- Effects of the activity, including type of soil to be removed, type of equipment, amount of water to be used, effects of water use on the streambed, amount and type of material to be deposited in the stream or lake, and type and amount of vegetation affected.
- A copy of any fish, wildlife, or habitat mitigation plan(s) already prepared for your project.
- For state-designated wild and scenic rivers, the Secretary for Resources must make a determination of the project's consistency with the California Wild and Scenic Rivers Act. Until the Secretary determines the project is consistent with the Act, the Department cannot issue a valid agreement. A tentative agreement will be issued, conditioned upon a finding of consistency by the Resources Secretary.
- Certification of compliance with the California Environmental Quality Act (CEQA); i.e., submit a copy of the Notice of Determination along with a complete copy of the Negative Declaration or certified Environmental Impact Report (EIR), or documentation that the project is exempt from CEQA (Notice of Exemption).
- Specific plans detailing the proposed modification of the river, stream, or lake, (i.e., specific detailed designs of all levees, culverts, bridges, channels, etc.).

- A map showing the project location in enough detail so that persons unfamiliar with the area can readily locate the site.
- Documented compliance with the state Endangered Species Act. This may include verification from the local Fish and Game office or a Department-certified Biologist that no State-listed threatened or endangered species are known to inhabit the proposed project area, or documentation from the Department that the proposed project will result in a net benefit to any impacted threatened or endangered species.
- Copies of local, City, County, or other permits conditions.
- Appropriate notification fee, as determined from the following Schedule of Fees.

IV. What Notification (Application) Fee must the Applicant Submit?

Section 1607 of the Fish and Game Code authorizes the Department to charge fees to recover the costs it incurs in processing applications for and developing and enforcing Agreements. Pursuant to this authority, the Department has developed a fee schedule. The current fee schedule is found in Section 699.5 of Title 14 of the California Code of Regulations, listed below. Applicants should consult the fee schedule to determine the fees that apply to their proposed project.

The Department charges an application fee for agreements according to the following schedule of fees. Fees are subject to annual change based on the inflationary index.

Title 14, California Code of Regulations, Section 699.5

Fees for Lake or Streambed Alteration Agreements

(Effective March 24, 2000)

(a) 1601 Applications (from Public Agencies) - $154.00 non- refundable application fee, plus:

(1) No additional fee for projects costing less than $25,000.

(2) $618.75 additional processing fee for projects costing from $25,000 to $500,000.

(3) $1,236.50 additional processing fee for projects costing over $500,000.

(b) 1601 Routine Maintenance Activities (public agencies) if performed under a Memorandum of Understanding with the Department of Fish and Game:

(1) $129.50 each for the first 20 maintenance projects.

(2) $102.75 each for the second 20 maintenance projects.

(3) $78.25 each for maintenance project in excess of 40.

(4) Projects under this subsection pertain to those waterways under prior 1601 agreement upon which public agencies propose to perform routine maintenance; to be submitted at least 30 days prior to commencement of work.

(c) 1603 Applications (private) excluding commercial gravel operations and timber harvest - $154.00 non-refundable application fee, plus:

(1) No additional fee for private individuals who do the work themselves or projects costing less than $25,000.

(2) $618.75 additional processing fee for projects costing $25,000 to $500,000 (emphasis added to demonstrate a total fee of $772.75).

(3) $1,236.50 additional processing fee for projects costing over $500,000 (emphasis added to demonstrate a total fee of $1,390.50).

(d) 1603 Applications - Commercial Gravel Operations

(1) $618.75 fee per application.

(e) 1603/1606 Applications - Timber Harvest

(1) $618.75 fee per application with 1 or 2 stream encroachments.

(2) $773.00 fee per application with 3 or 4 stream encroachments.

(3) $927.00 fee per application with 5 to 9 stream encroachments.

(4) $1031.00 fee per application with 10 or more stream encroachments.

(f) One year time extensions for 1601/1603 agreements, excluding gravel operations, if the project has not changed.

(g) $127.50 fee per application for renewal of a one-year extension.

(h) For the purpose of this subsection, extensions include those agreements which expire before completion of the project and which have no changes in the work described in the original agreement. If the agreement expires prior to a request for an extension, a new notification will be required and all appropriate fees will be charged.

(i) Amendments to 1601/1603 existing agreements.

(1) 50% of the fee of the existing agreement.

(j) Unusual Project Applications. Public or private projects which are unusually extensive and/or protracted, including but not limited to projects that (1) involve more than one departmental administrative region, or (2) involve more than 15 streams (excluding timber harvest applications), shall be charged fees under the following provisions:

(k) The project sponsor shall submit the appropriate application fee required in the above fee schedule. Should this application fee be insufficient to defer the department's costs, then the department and the project sponsor shall arrange for a billing schedule to recover the department's additional project-related costs.

Note: Authority cited: Section 1607, Fish and Game Code.

These fees are subject to periodic adjustments. In the event of a discrepancy between the fees shown here and the fees listed in the Department's regulations, the fee schedule in the most recently adopted Code of Regulations, will apply.

Applicants should send completed notification packages and fees and direct any questions regarding the proposed project to the Department regional office in the area where the project will take place. The mailing addresses and telephone numbers of the Department's regional offices are listed below.

V. How does the Department Evaluate and Process a Notification?

Criteria for Evaluation: The Department bases evaluation of a notification of a proposed lake/streambed alteration on the anticipated impact of the proposed project on fish and wildlife resources. Consequently, the Department will write the Lake/Streambed Alteration Agreement with terms and conditions designed to protect and/or compensate for these resources.

Procedures: Applicants should submit a completed form "FG 2023" to the appropriate regional office. The regional office then assigns the application to a local warden.

The warden determines whether an on-site inspection is necessary in order to suggest modifications or conditions to the Agreement. The warden may conduct the inspection with the applicant and, when

appropriate, with district fishery and wildlife biologists. The biologists may attend the inspection and provide recommendations or modifications for projects that could cause environmental damage or threaten fish or wildlife resources.

While the warden may request additional information, he or she must make recommendations on the proposed activity to the applicant within 30 days of receipt of the completed FG 2023, unless extended by mutual agreement.

After the inspection, the warden may suggest modifications and mitigation measures to protect fish and wildlife in the project area. If the applicant is not present during the inspection, the warden sends suggested modifications to the applicant, together with a description of the fish and wildlife resources affected by the project. The applicant has 14 days to accept or deny these modifications. This time may be extended by mutual agreement.

Upon agreeing to the warden's proposed project modifications, the applicant signs the Agreement and returns it to the warden. If rejecting the warden's modifications, the applicant must state the reasons in writing or request a meeting with the warden. When the applicant and the Department agree to project modifications, they sign the Agreement and the applicant may begin the approved project. Applicants who withdraw their projects are refunded any fee in excess of the non-refundable portion as indicated in the Schedule of Fees (Section 699.5, Title 14, California Code of Regulations).

Arbitration - If, after negotiations, the applicant does not agree to the modification, the Department and the applicant must establish an arbitration panel within seven days of the applicant's response. The panel consists of a representative of the Department, the applicant or representative, and a neutral chairman selected with the approval of both. Within 14 days of establishment of the arbitration panel, the panel must complete its work, unless all parties agree to an extension of time. The panel may settle disagreements and make binding decisions concerning the proposed modifications.

VI. What are the Applicant's Rights and Responsibilities after an Agreement is Approved?

Rights: The applicant may proceed with an activity, but only according to the conditions of an approved Agreement. If the Department fails to act within 30 days of the receipt of a completed notification, the applicant may commence with the activity as proposed in the notification.

Responsibilities: The applicant must allow the Department to inspect the project at any time. In addition, the applicant must submit a new application to the regional office when the activity differs from the work approved under the original Agreement. The applicant may not undertake new activities without a new or modified Agreement.

The applicant must respond in writing within 14 days of receiving the Department's proposal unless this period is extended by mutual agreement.

It is unlawful for any person to commence any activity in a lake or stream until the Department has found the activity will not substantially adversely affect an existing fish or wildlife resource or until an Agreement is approved.

VII. What are the Department's Rights and Responsibilities after the Agreement is Approved?

Rights: The Department may impose additional conditions on the Agreement in the event that the project impairs the physical condition of the project area or if the operations change.

Responsibilities: The Department of Fish and Game is a trustee agency for the fish and wildlife resources of the state. The Department must respond to a complete Notification within 30 days of receipt or within a time determined by mutual written agreement.

Procedure: The Department may defer entering into a signed agreement until the environmental or permit review process by a lead or a regulatory agency is completed. The Department urges applicants to enter into early consultation to attempt to resolve all issues at the earliest possible time.

VIII. What other Agencies should the Applicant Contact?

The applicant may need to obtain a permit, agreement, or authorization from a governmental agency other than the Department before the project may begin, even if the Department has issued an Agreement for the project. For example, if the applicant intends to construct a project on a river that has been designated as "wild and scenic", the applicant must comply with the California Wild and Scenic Rivers Act (Pub. Resources Code, § 5093.50 et seq.) and/or the Federal Wild and Scenic Rivers Act (16 U.S.C. § 1271 et seq.). If the applicant needs to obtain a permit from a local, State, or federal agency, the applicant should provide a copy of any permit obtained at the time the notification package is submitted to the Department.

Applicants should first contact city or county planning departments to determine whether any local permits are needed. Applicants should also contact any State and federal agencies that may also have permitting authority over the proposed project. State and federal agencies that may have permitting authority are listed below. Applicants should contact these agencies if they are not familiar with their permitting requirements.

A. Local - City, county, or special district

B. State - Department of Forestry

Regional Water Quality Control Board

The Reclamation Board

Coastal Commission

State Lands Commission

State Water Resources Control Board

Resource Agency (for State-designated "wild and scenic" rivers)

Department of Water Resources, Division of Safety of Dams, Division of Water Rights

Department of Conservation, which includes the Division of Mines and Geology

C. Federal - Federal - Army Corps of Engineers

Forest Service

Fish and Wildlife Service

National Park Service

National Marine Fisheries Service

IX. What other Sources of Information are Available to the Applicant?

Applicants may refer to the California Fish and Game Code Sections l600 through l607 for the Department's legal authority to enter into Agreements. The Fish and Game Code is generally available at any regional office, county law libraries, or the State Library in Sacramento.

Department of Fish and Game District Offices

Fish and Game

HEADQUARTERS
1418 Ninth Street, 12th Floor
Sacramento, CA 95814
(916) 653-7664
Fax (916) 653-1856

District Offices

Northeast District
601 Locust
Redding, CA 98001
(916) 225-2300
Fax (916) 225-2381

Central Valley District
1701 Nimbus Road
Rancho Cordova, CA 95870
(916) 355-0978
Fax (916) 355-7102

Napa Valley District
7829 Silverado Trail (94588)
P.O. Box 47 (94500)
Napa, CA 94558
(707) 944-5500
Fax (707) 944-5563

Bay Area District
1234 East Shaw Avenue
Fresno, CA 93710
(209) 222-3761
Fax (209) 445-6426

North California and North Coast
601 Locust Street
Redding, CA 96001
(530) 225-2300

Sacramento Valley and Central Sierra
1701 Nimbus Road
Rancho Cordova, CA 95670
(916) 358-2900

Central Coast
P.O. Box 47
Yountville, CA 94599
(707) 944-5500

San Joaquin Valley and Southern Sierra
1234 E. Shaw Avenue
Fresno, CA 93710
(559) 243-4005

South Coast
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467- 4201

Eastern Sierra and Inland Deserts
4775 Bird Farm Road
Chino Hills, Ca 91709
(909) 597-9823

DEPARTMENT of WATER RESOURCES (DWR)

Encroachment Permit

I. Who needs an Encroachment Permit?

Any private party, public agency, or private or public company that does not possess sufficient prior right, and seeks permanent or temporary access within, or over the Department of Water Resources State Water Project facilities right of way. Such right of way includes operating roads, aqueducts, reservoirs, pipelines and recreational areas.

II. Where should the Applicant Apply?

All requests or inquiries regarding encroachments within Department right of way should be addressed as follows:

Department of Water Resources
Division of Land and Right of Way
1416 Ninth Street or DWR
P.O. Box 942836
Sacramento, CA 94236-0001(for P.O. Box)
Sacramento, CA 95814 (for Street Address)
website: www.dlrw.water.ca.gov

III. What Information should the Applicant Provide upon Application?

- Completed Encroachment Permit Application (DWR Form 33).
- Six sets of detailed plans, which meet the requirements of DWR's Encroachment Permit Guidelines and are signed and stamp dated by a registered engineer.
- A deposit for review and construction inspection fees.
- Written confirmation that Federal, State and local environmental requirements have been fully addressed.
- If DWR has provided comments on the proposed project to a governmental agency, the developer, or the applicant during the environmental or planning process, a copy of the comments must be provided.

IV. What Application Fee should the Applicant Submit?

DWR requires the Encroachment Permit Applicant to submit a deposit in the amount of DWR's estimated costs for review of the construction plans and inspection of the encroachment construction activity within DWR right of way. The average deposit is $500. A higher deposit amount will be required for complex projects and those that require extensive DWR on-site construction inspection. All costs are calculated on an hourly basis. Any balance due beyond the deposit must be paid before DWR issues the permit. The average total cost for review and inspection is $1,500.

V. How does the Department Evaluate and Process the Application?

Criteria for Evaluation:

DWR evaluates the permit application to determine:

- The effects of the proposed encroachment upon the safety and integrity of the Department's State Water Project facilities.

- Adequacy and conformance with applicable standards of design.
- Adequacy of construction.

Procedures: All requests for Encroachment Permits must be sent to the Department's Division of Land and Right of Way and include six sets of plans for review. Land and Right of Way distributes the plans to the appropriate field division office, Division of Engineering, Division of Operation and Maintenance, and Environmental Compliance Branch to determine the proposed encroachment's effect on the use of the State Water Project's right of way. Review comments are submitted to Division of Land and Right of Way, which combines them into one letter that is sent to the applicant informing them of the changes, if any that will be necessary to complete the Encroachment Permit process. Once all comments have been addressed and the fee for plan review and construction inspection is paid, an Encroachment Permit will be issued. The process takes a minimum of two months or longer to issue a permit from the date the request is made, depending on the complexity of the request.

Appeals: DWR does not have a formal appeals process. If the Applicant is dissatisfied with the action of the Department, he/she may reapply for the Encroachment Permit and provide additional information that will help in the evaluation process.

VI. What are the Applicant Rights and Responsibilities after the Permit is Granted?

Rights:

- The applicant has the right to enter DWR'S right of way to properly maintain and/or repair their facilities in a manner consistent with permit terms and conditions.
- Applicants may request amendments to their permit.
- Rights and interest of the Encroachment Permit are not assignable.

Responsibilities: The following is a summary of DWR Encroachment Permit standard conditions. Encroachment Permits may also contain special conditions, which relate to the specific type of encroachment proposed:

- The applicant must notify DWR representatives seven days prior to starting work.
- The applicant must properly maintain any encroachment placed on DWR'S right of way.
- The applicant must pay DWR for its costs incurred in inspecting the encroachment construction and for performing any permit related work.
- The applicant is liable for any damage to DWR'S right of way and facilities or to persons, arising out of developer/applicant's work.
- The applicant must remove all material and debris from the right of way after completion of work.
- Upon completion of all work, the applicant shall furnish reproducible as-built drawings to DWR showing location and details of encroachment.
- The applicant must comply with all applicable law, including the California Environmental Quality Act, the Federal and State Endangered Species Acts and the Federal Clean Water Act.

VII. What are the Department's Rights and Responsibilities after the Permit is Granted?

Rights: DWR may revoke an encroachment Permit and order the removal of an encroachment if the applicant has not complied with all terms and conditions of an approved Permit or if the continuance of the encroachment is incompatible with State Water Project operation. The applicant may be required to remove or relocate the encroachment entirely at its expense to avoid or eliminate interference with existing or future construction by DWR.

Responsibilities: DWR is responsible for assuring the safety and integrity of the State Water Project facilities.

VIII. What other Agencies should the Applicant Contact?

An applicant should consider whether other agencies, including but not limited to the following, must issue permits or approve the proposed project:

A. Local - City, County, or Local Districts

B. State - Department of Fish and Game

Department of Parks and Recreation

Regional Water Quality Control Board

Public Utilities Commission

Caltrans

State Lands Commission

C. Federal - Bureau of Reclamation

U.S. Forest Service

U.S. Fish and Wildlife Service

U.S. Bureau of Land Management

U.S. Army Corps of Engineers

D. Others - Entities who have existing rights-of way on DWR property in the area of concern. The applicant may be required to provide proof to DWR that it has obtained all the applicable permits.

IX. What other Sources of Information are Available to the Applicant?

The applicant may contact DWR toll free at 1 (800) 600-4597 for further information. A copy of the publication Encroachment Permit Guidelines is available on the DWR website at www.dlrw.water.ca.gov. These guidelines provide the Encroachment Permit Application, amount of required deposit and information required for all encroachment request submittals.

Construct or Enlarge a Dam or Reservoir

I. Who needs Approval of Plans and Specifications?

Any person who proposes to construct or enlarge a dam or reservoir must obtain written approval, prior to start of construction from, the Department of Water Resources, Division of Safety of Dams (DSD), for the plans and specifications. The applicant must also request and obtain a Certificate of Approval from DSD to impound water after the new or enlarged dam is built.

DSD approves plans and specifications to construct dams and reservoirs to prevent seepage, earth movement, and other conditions that may endanger life or property. DSD issues Certificates of Approvals after finding that a dam or reservoir is safe to impound water.

A dam is an artificial barrier to impound or divert water that:

- Is or will be at least 25 feet in height from the natural bed of the watercourse at the downstream toe of the barrier to the maximum possible water storage elevation.
- Is or will be at least 25 feet in height from the lowest outside elevation to the maximum possible water storage elevation if the barrier is not across a stream channel.
- Has or will have an impounding capacity of 50 acre-feet of water or more.

Anyone proposing one of the following projects need not obtain approval from DSD:

- Barriers six feet or less in height regardless of impounding capacity.
- Barriers of any height if the impounding capacity is 15 acre-feet or less.
- Obstructions in a canal used to raise, lower, or divert water.
- Levees or railroad, road, or highway fills or structures.
- Steel or concrete circular tanks or tanks elevated above the ground.
- Noncircular steel or concrete tank constructed in a county of the third class by a public agency, under the supervision of a civil engineer registered in the State, that does not exceed 75 acre-feet in capacity or 30 feet in height, and is not across a stream channel, watercourse, or natural drainage area and has the principal use as a sewage sludge drying facility.

II. Where should the Applicant Apply?

Applicants should direct inquiries and applications to:

Department of Water Resources
Division of Safety of Dams
2200 "X" Street, Suite 200
P.O. Box 942836
Sacramento, CA 94236-0001
(916) 445-1816

III. What information should the Applicant Provide upon Application?

An applicant should submit a separate application for each dam. A project may consist of more than one dam and reservoir. The applicant should submit two signed copies of Form DWR-3, "Application for Approval of Plans and Specifications for the Construction or Enlargement of a Dam or Reservoir." A licensed civil engineer must prepare the plans and specifications and include the following information:

- Names and addresses of the applicant and owner.
- Location of the dam by section, township, and range, including the creek or river being impounded.
- A description of the dam and reservoir, including:
  - ? Type of dam (concrete arch, gravity, earth, rock fill, etc.)
  - ? Length of crest
  - ? Height of dam
  - ? Spillway crest elevation and dam crest elevation
  - ? Freeboard
  - ? Thickness at top of dam
  - ? Slope upstream and downstream
  - ? Amount of material in dam (cubic yards)
  - ? Estimated cost
  - ? Spillway and outlet date (type, capacity, etc.)
  - ? Area and capacity of reservoir
  - ? Area of watershed drainage
  - ? Methods of flood water diversion during construction
- Precipitation, flood and inflow data, including any data unique to the project may be requested during review of the application.
- General information, including the purpose of the dam, the use of the stored water, the name of any Federal agency that must approve the dam, and the name of the engineer preparing the plans and specifications.

The applicant should also submit two copies of the following with Form DWR-3:

- Plans and specifications for the dam and reservoir showing the arrangement of the outlet, works and spillway, the proposed method of construction, the construction schedule, a topographic map of the reservoir site, and a map of the drainage basin indicating the dam or reservoir in relation to a known town or stream.
- Engineering data, including limiting stresses, load assumptions, and method of analysis to determine working stresses; formulas and coefficients to determine the capacities of the spillways and outlets; hydrologic data to determine the runoff from the drainage area; the area and capacity curves of the proposed reservoir; maps and records of drill holes, exploration pits and tunnels; and geologic and soil test reports.
- Any environmental document required by CEQA, or support information for such documents when the Department is the Lead Agency.

- The estimated cost of construction, including labor, materials, and preliminary investigations, but not including rights-of-way, detached powerhouses, and access roads and railways.
- Evidence of water rights.

IV. What Application Fee should the Applicant Submit?

Applicants must pay a minimum-filing fee of $300. The total fee is based on the equipment cost of the project as follows:

Estimated Cost of Dam	Total Fee
$300,000 or less	3% of estimated cost
$300,000 to $1,000,000	$9,000 plus 2% of estimated cost above $300,000
$1,000,000 to $2,000,000	$23,000 plus 1.5% of estimated cost above $1,000,000
$2,000,000 to $3,000,000	$38,000 plus 1.25% of estimated cost above $2,000,000
$3,000,000 to $5,000,000	$50,500 plus 1.00% of estimated cost above $3,000,000
$5,000,000 to $7,000,000	$70,500 plus 0.75% of estimated cost above $5,000,000
Over $7,000,000	$85,500 plus 0.50% of estimated cost above $7,000,000

Table 16: Filing Fee Structure for Dams

The applicant must pay an additional fee when the DWR prepares an environmental document required by CEQA.

V. How does the Department Evaluate and Process the Application?

Criteria for Evaluation: The Department evaluates plans and specifications to determine whether the proposed design for the dam meets acceptable, modern engineering practices and the Department's requirements for dam safety.

Procedures: DSD reviews the application materials to determine whether they are complete and accurate. If it finds that the applicant has made a sincere effort to comply with the Department's regulations, but the application is incomplete or inaccurate, DSD will send the applicant a "notice of defect." The applicant has 30 days to submit a complete and accurate application or demonstrate a need for additional time. If the applicant does not respond, the Division will cancel the application.

When the application is complete, a Division Engineer reviews the plans and specifications for conformance with the Department's requirements. DSD also conducts a field inspection at this time. The Project Engineer then confers with the designer of the proposed dam or reservoir to determine what modifications are necessary for the Department to approve the application. The designer is responsible for modifying plans and specifications to meet the Department's requirements. The applicant or designer must submit the modified plans and specifications to DSD for approval.

When DSD determines that the proposed dam meets the engineering requirements for approval, the Department approves the plans and specifications. The Department may attach certain terms and conditions to the approval to reinforce dam safety considerations. The overall approved process generally takes up to six months.

Appeals: Anyone who believes that the proposed dam or reservoir will endanger life or property may file a complaint with the Department of Water Resources. The Department will inspect the project site or refer its records to determine whether the complaint is valid. If the complaint is valid, DSD may halt a project. After a public hearing, the Department may revoke a Certificate of Approval if it finds that the dam or reservoir threatens life or property.

VI. What are the Applicant's Rights and Responsibilities after the Approval is Granted?

Rights: The applicant may begin all work approved by the Department according to the terms and conditions specified in the approval. The applicant will normally request the Department to issue a Certificate of Approval authorizing the owner to impound water behind the completed dam after constructing the facility according to the approved application and complying with the responsibilities described below.

Responsibilities: The applicant must begin construction within one year of the Department's approval or the Department may cancel the approval. The applicant may, however, request the Department to extend the time for beginning construction. In any event, the applicant must notify DSD ten days prior to beginning construction. The applicant must allow DSD to inspect the site.

Immediately after completing construction, the applicant must submit two copies of "as built" drawings of the completed dam or reservoir to DSD. In addition, the applicant must file a Notice of Completion with DSD showing the date when the applicant finished the project. The applicant must also submit a statement of the actual cost of construction, certified by the applicant or an authorized representative. If the actual cost exceeds the estimated cost by more than 15 percent, the applicant must pay an additional fee of 115 percent of the under payment amount.

In order to store water, the applicant must request DSD to issue a Certificate of Approval. The applicant must pay an annual fee of $200 plus $24 per foot of the height of the dam. The applicant must submit the annual fee by December 31st of each year or pay a penalty of 10% of the annual fee plus 0.5% interest per month from that date.

The applicant must fully and promptly notify the Division of any sudden or unprecedented flood or any unusual or alarming circumstances affecting the dam or reservoir.

VII. What are the Division's Rights and Responsibilities after the Approval is Granted?

Rights: DSD inspects the project construction periodically. If DSD determines the applicant has not complied with the terms and conditions of approval, DSD may order the applicant to comply or halt construction. If DSD revokes a Certificate of Approval, the applicant may not impound water until the Department issues a new Certificate with revised terms and conditions.

The Department may require the applicant to lower the water level or empty the reservoir if it finds the dam unsafe. DSD may require the applicant to keep records and make reports on maintenance, operation, engineering, and geologic investigations. The Department may initiate fines for any person who violates the Department rules and regulations.

Responsibilities: The Department is responsible for supervising the safety of dams and reservoirs to protect life and property from dam failure.

VIII. What other Agencies should the Applicant Contact?

Applicant should consider whether the agencies listed below must issue permits or approve changes to the site of which the dam and reservoir will be a part.

A. Local - City, county, or special district

B. State - Coastal Commission

Department of Fish and Game

Department of Forestry

Reclamation Board

San Francisco Bay Conservation and Development Commission

State Lands Commission

State Water Resources Control Board, Division of Water Rights

Regional Water Quality Control Board

Tahoe Regional Planning Agency

C. Federal - United States Army Corps of Engineers

Federal Energy Regulatory Commission

United States Bureau of Reclamation

United States Forest Service and Bureau of Land Management

United States Fish and Wildlife Services

IX. What other Sources of Information are Available to the Applicant?

Applicant may refer to the following publications for further information:

- California Code of Regulations, Title 23, Division 2
- *California Water Code*, Division 3, Parts 1 and 2, (Commencing with § 6000)

These publications are generally available at the Division of Safety of Dams, county law libraries, and the State Library in Sacramento.

Repair or Alter a Dam or Reservoir

I. Who needs Approval of Plans and Specifications?

Anyone who proposes to repair or alter a dam and reservoir must obtain written approval from the Department of Water Resources Department, Division of Safety of Dams (DSD), for the plans and specifications. The applicant must obtain a revised Certificate of Approval from the Department in some cases after the repair or alteration is complete.

When safety to life and property requires emergency repairs or alterations to a dam or reservoir, the applicant may notify the Department of the emergency work in order to begin work immediately.

DSD approves plans and specifications to alter or repair dams and reservoirs to prevent seepage, earth movement, and other conditions that may endanger life or property. The Department issues Certificates of Approval after finding that a dam or reservoir is safe to impound water.

A dam is an artificial barrier to impound or divert water that:

- Is or will be at least 25 feet in height from the natural bed of the watercourse at the downstream toe of the barrier to the maximum possible water storage elevation.
- Is or will be at least 25 feet in height from the lowest outside elevation to the maximum possible water storage elevation if the barrier is not across a stream channel.
- Has or will have an impounding capacity of 50 acre-feet of water or more.

Anyone proposing one of the following projects need not obtain approval from the Department:

- Barriers six feet or less in height regardless of impounding capacity.
- Barriers of any height if the impounding capacity is 15 acre-feet or less.
- Obstructions in a canal used to raise, lower, or divert water.
- Levees or railroad, road, or highway fills or structures.
- Steel or concrete circular tanks or tanks elevated above the ground.
- Barriers not across stream channels, watercourses, or natural drainage area which has the principal purpose to impound water for agricultural or for sewage sludge drying facilities.
- Barriers 15 feet or less in height in the channel or stream or watercourse used solely to spread eater upstream for groundwater percolation.
- Levees of islands adjacent to tidal water in the Sacramento-San Joaquin Delta, where used to impound 4 feet or less above mean sea level.
- Federal dams.
- Wastewater ponds as defined in Section 6052.5 of the California Water Code.

II. Where should the Applicant Apply?

Applicant should direct inquiries and applications to:

Department of Water Resources
Division of Safety of Dams
2200 "X" Street, Room 200
P.O. Box 942836
Sacramento, CA 94236-0001
(916) 445-1816

III. What Information should the Applicant Provide upon Application?

An applicant should submit a separate application for each dam. A project may consist of more than one dam or reservoir. An applicant should submit Form DWR-4 "Application for Approval of Plans and Specifications for the Repair or Alteration of a Dam and Reservoir." A licensed civil engineer must prepare the plans and specifications and include the following:

- Names and addresses of the applicant and owner
- Location of the dam by section, township, and range, including the creek or river being impounded.
- A description of the proposed work, including:
  - Type of dam (concrete arch or gravity, earth, rock fill, etc.)
  - Description of work contemplated
  - Change, if any, in maximum storage level
- When work is to begin and end
- Names of the engineers and constructors carrying out the project.

An applicant should also submit two copies of the following with Form DWR-4:

- Plans and specifications for the alteration or repair, the proposed method of construction, and the construction schedule
- Any environmental document required by CEQA, or support information for such documents when the Department is the Lead Agency.

IV. What Application Fee should the Applicant Submit?

The applicant must pay a fee only when the Department prepares an environmental document required by CEQA.

V. How does the Department Evaluate and Process the Application?

Criteria for Evaluation: DSD evaluates plans and specifications to determine whether the proposed design for the dam meets acceptable, modern engineering practices and the Department's requirements for dam safety.

Procedures: DSD reviews the application materials to determine whether they are complete and accurate. If it finds that the applicant has made a sincere effort to comply with the Department's regulations, but the application is incomplete or inaccurate, DSD will send the applicant a "notice of defect." The applicant has 30 days to submit a complete and accurate application or demonstrate a need for additional time. If the applicant does not respond, DSD will cancel the application.

When the application is complete, the plans and specifications are reviewed for conformance with the Department's requirements. A field inspection is also conducted at this time. The Project Engineer then confers with the designer of the proposed dam or reservoir to determine what modifications are necessary to approve the application. The designer is responsible for modifying plans and specifications to meet these requirements. The applicant or designer must submit the modified plans and specifications to DSD for approval.

When DSD determines that the proposed dam meets the engineering requirements for approval, the Department approves the plans and specifications. The Department may attach certain terms and conditions to the approval to reinforce dam safety considerations. The overall approved process generally takes up to six months.

Appeals: Anyone who believes a proposed dam or reservoir will endanger life or property may file a complaint with the Department. The Department will inspect the project site or refer to its records to determine whether the complaint is valid. If the complaint is valid, DSD may halt a project. After a public hearing, the Department may revoke a Certificate of Approval if it finds that the dam or reservoir threatens life or property.

VI. What are the Applicant's Rights and Responsibilities after the Approval is Granted?

Rights: The applicant may begin all work approved by the Department according to the terms and conditions specified in the approval. The applicant will normally request the Department to issue a Certificate of Approval authorizing the owner to impound water behind the completed dam after constructing the facility according to the approved application and complying with the responsibilities described below.

Responsibilities: The applicant must begin construction within one year of the Department's approval or the Department may cancel the approval. The applicant may, however, request the Department to extend the time for beginning construction. In any event, the applicant must notify the DSD ten days prior to beginning construction. The applicant must allow DSD to inspect the site.

Immediately after completing construction, the applicant must submit two copies of "as built" drawings of the completed dam or reservoir to DSD. In addition, the applicant must file a Notice of Completion with DSD showing the date when the applicant finished the project.

If the work is to result in a change in certified water storage elevation or other conditions of the existing Certificate of Approval, the applicant must request DSD to issue a new Certificate of Approval. The applicant must pay an annual fee of $200 plus $24 per foot of the height of the dam. The applicant must submit the annual fee by December 31 of each year or pay a penalty of ten percent of the annual fee plus 0.5% interest per month from that date.

The applicant must fully and promptly notify DSD of any sudden or unprecedented flood or any unusual or alarming circumstances affecting the dam or reservoir.

VII. What are the Division's Rights and Responsibilities after the Approval is Granted?

Rights: DSD inspects the project construction periodically. If the applicant has not complied with the terms and conditions of approval, DSD may order the applicant to comply or halt construction. If a Certificate of Approval is revoked, the applicant may not impound water until a new Certificate with revised terms and conditions is issued.

The Department may require the applicant to lower the water level or empty the reservoir if it finds the dam unsafe. DSD may require the applicant to keep records and make reports on maintenance, operation, engineering, and geologic investigations. The Department may initiate fines for any person who violates the rules and regulations.

Responsibilities: The Department is responsible for supervising the safety of dams and reservoirs to protect life and property from dam failure.

VIII. What other Agencies should the Applicant Contact?

The applicant should consider whether the agencies listed below must issue permits or approve changes to the site of which the dam and reservoir will be a part.

A. Local - City, county, or special district

B. State - Coastal Commission

Department of Fish and Game

Department of Forestry

The Reclamation Board

San Francisco Bay Conservation and Development Commission

State Lands Commission

State Water Resources Control Board, Division of Water Rights

Regional Water Quality Control Board

Tahoe Regional Planning Agency

C. Federal - United States Army Corps of Engineers

Federal Energy Regulatory Commission

United States Bureau of Reclamation

United States Forest Service and Bureau of Land Management

United States Fish and Wildlife Services

IX. What other Sources of Information are Available to the Applicant?

An applicant may refer to the following publications for further information:

- California Code of Regulations, Title 23, Division 2
- *California Water Code*, Division 3, Parts 1 and 2, (Commencing with § 6000)

These publications are available at the Division of Safety of Dams, county law libraries, and the State Library in Sacramento.

Removal of a Dam or Reservoir

I. Who needs Approval of Plans and Specifications?

Anyone who proposes to remove a dam and reservoir must obtain written approval from the Department of Water Resources (Department), Division of Safety of Dams (Division), for the plans and specifications. The Department approves plans and specifications to remove dams and reservoirs to prevent conditions that may endanger life and property. The Department makes a field inspection to assure satisfactory removal has been accomplished.

A dam is an artificial barrier to impound or divert water that:

- Is or will be at least 25 feet in height from the natural bed of the watercourse at the downstream toe of the barrier to the maximum possible water storage elevation.
- Is or will be at least 25 feet in height from the lowest outside elevation to the maximum possible water storage elevation, if the barrier is not across a stream channel.
- Has or will have an impounding capacity of 50 acre-feet of water or more.

Note: A reservoir is a basin that contains the water impounded by a dam.

Anyone proposing one of the following projects need not obtain approval from the Department:

- Barriers six feet or less in height regardless of impounding capacity.
- Barriers of any height if the impounding capacity is 15 acre-feet or less.
- Obstructions in a canal used to raise, lower, or divert water.
- Levees or railroad, road, or highway fills or structures.
- Steel or concrete circular tanks or tanks elevated above the ground.
- Barriers not across stream channels, watercourses, or natural drainage area which has the principal purpose to impound water for agricultural or for sewage sludge drying facilities.
- Barriers 15 feet or less in height in the channel or stream or watercourse used solely to spread eater upstream for groundwater percolation.
- Levees of islands adjacent to tidal water in the Sacramento-San Joaquin Delta, where used to impound 4 feet or less above mean sea level.
- Federal dams.
- Wastewater ponds as defined in Section 6052.5 of the California Water Code.

II. Where should the Applicant Apply?

Applicants should direct inquiries and applications to:

Department of Water Resources
Division of Safety of Dams
2200 “X” Street, Room 200
P.O. Box 942836
Sacramento, CA 94236-0001
(916) 445-1816

III. What information should the Applicant Provide upon Application?

An applicant should submit a separate application for each dam. A project may consist of more than one dam and reservoir. The applicant should submit two signed copies of Form DWR-5, "Application for Approval of Plans and Specifications for the Construction or Enlargement of a Dam or Reservoir." A licensed civil engineer must prepare the plans and specifications and include the following information:

- Names and addresses of the applicant and owner.
- Location of the dam by section, township, and range, including the creek or river being impounded.
- A description of the dam and reservoir, including:
  - ? Type of dam (concrete arch, gravity, earth, rock fill, etc.)
  - ? Length of crest
  - ? Height of dam
  - ? Spillway crest elevation and dam crest elevation
  - ? Freeboard
  - ? Thickness at top of dam
  - ? Slope upstream and downstream
  - ? Amount of material in dam (cubic yards)
  - ? Estimated cost
  - ? Spillway and outlet date (type, capacity, etc.)
  - ? Area and capacity of reservoir
  - ? Area of watershed drainage
  - ? Methods of flood water diversion during construction.
- Description of the method and event of removal.
- Reasons for removal of dam and reservoir.
- Purpose for which dam and reservoir were built.
- Uses made of the stored water.
- Discussion of whether federal licenses and permits apply to the project and a list of the agencies or departments that granted them.
- Name of the engineers and contractors carrying out the project.

IV. What Application Fee should the Applicant Submit?

The applicant must pay a fee only when the Department prepares an environmental document required by CEQA.

V. How does the Department Evaluate and Process the Application?

Criteria for Evaluation: The Department evaluates plans and specifications to determine whether the applicant proposes to remove a sufficient portion of the dam to permit safe passage of floodwaters down the watercourse across which the dam is located.

Procedures: The Division reviews the application materials to determine whether they are complete and accurate. If it finds that the applicant has made a sincere effort to comply with the Department's regulations, but the application is incomplete or inaccurate, the Division will send the applicant a "notice of defect." The applicant has 30 days to submit a complete and accurate application or demonstrate a need for additional time. If the applicant does not respond, the Division will cancel the application.

When the application is complete, a Division Engineer reviews the plans and specifications for conformance with the Department's requirements. The Division also conducts a field inspection at this time. The Project Engineer then confers with the designer of the proposed removal project to determine what modifications are necessary for the Department to approve the project. The designer is responsible for modifying plans and specifications to meet the Department's requirements. The applicant or designer must submit the modified plans and specifications to the Division for approval.

When the Division determines that the proposed removal project meets the Department's requirements and will not threaten life or property, the Department approves the plans and specifications. The Department may attach certain terms and conditions to the approval to reinforce dam safety considerations. This process takes approximately three months.

Appeals: Anyone who believes that the proposed project will endanger life or property may file a complaint with the Department of Water Resources. The Department will inspect the project site or refer its records to determine whether the complaint is valid. If the complaint is valid, the Division of Safety of Dams may halt a project. The Department may revoke approval and order other work if the removal activity threatens life or property.

VI. What are the Applicant's Rights and Responsibilities After the Approval is Granted?

Rights: The applicant may begin all work approved by the Department according to the terms and conditions specified in the approval.

Responsibilities: The applicant must begin the removal project within one year after approval or the approval may be canceled. The applicant may, however, request the Department to extend the time for beginning the approved project. The applicant must notify the Division at least ten days prior to beginning construction.

The applicant must allow the Division to inspect the site periodically. Immediately after completing the approved removal, the applicant must submit two copies of completed project's as built drawings to the Division. In addition, the applicant must file a Notice of Completion with the Division showing the date when the project was completed.

VII. What are the Division's Rights and Responsibilities after the Approval is Granted?

Rights: The Division periodically inspects the project during removal. If the Division determines that the applicant has not complied with the terms and conditions of approval, it may order the applicant to comply or halt removal. The Department may initiate fines for any person who violates the State statutes or regulations.

Responsibilities: The Department is responsible for determining that the removal of dams and reservoirs does not threaten life or property.

VIII. What other Agencies should the Applicant Contact?

Applicant should consider whether the agencies listed below must issue permits or approve the changes to the site caused by removal of the dam or reservoir.

A. Local - City, county, or special district

B. State - Coastal Commission

Department of Fish and Game

Department of Forestry

The Reclamation Board

San Francisco Bay Conservation and Development Commission

State Lands Commission

State Water Resources Control Board, Division of Water Rights

Tahoe Regional Planning Agency

C. Federal - United States Army Corps of Engineers

Federal Energy Regulatory Commission

United States Bureau of Reclamation

United States Forest Service and Bureau of Land Management

United States Fish and Wildlife Services

IX. What other Sources of Information are Available to the Applicant?

Applicant may refer to the following publications for further information:

- California Code of Regulations, Title 23, Division 2
- *California Water Code*, Division 3, Parts 1 and 2, (Commencing with § 6000)

These publications are available at the Division of Safety of Dams, county law libraries, and the State Library in Sacramento.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC)

Development Permit

I. Who needs a Development Permit?

Any person or public agency proposing to fill, extract materials, or change the use of water, land, or structures in or around San Francisco Bay must first obtain a Development Permit from the San Francisco Bay Conservation and Development Commission (BCDC).

BCDC's permit jurisdiction includes San Francisco Bay, a 100-foot-wide "shoreline band" that extends 100 feet inland from the upland edge of the Commission's "Bay" jurisdiction, salt ponds, managed wetlands, and certain named waterways that empty into the Bay. The Commission's "Bay" jurisdiction extends geographically from a line that connects Pt. Bonita and Pt. Lobos at the entrance to the Bay and inward to include the central and south Bays, San Pablo Bay, the Carquinez strait, and Suisun Bay to a line that connects Stake Pt. and Simmons Pt. The Commission also has jurisdiction over the Suisun Marsh. The lateral extent of the Commission's Bay and certain waterways jurisdictions extends up to a mean high water in areas that are not tidal march and up to five feet above mean sea level in areas of tidal marsh.

The Commission has direct permit authority over all activities and land uses defined in the Suisun Marsh Preservation Act within the "primary management area" of the Suisun Marsh, which includes all tidal waters and marshes, seasonal marshes, managed wetlands, and lowland grasslands. Solano County has direct permit authority over all activities and land uses within the "secondary management area" of the marsh, which includes upland grasslands and some cultivated areas. Marsh Development Permits are issued for work within the Suisun Marsh. Solano County Marsh Development Permits for work in the secondary management area can be appealed to the Commission.

II. What Types of Permits does the Commission Issue?

Because the Commission administers two state laws, it issues two legally different permits, the San Francisco Bay permit and Suisun Marsh development permit. Applications for both permits are processed in the same way, but there are different types of each kind of permit. The size, location, and impacts of a project determine which type of permit is appropriate for a particular project. In turn, the type of permit that is applied for affects the information that must be provided to complete a permit application. A brief description of each type of permits follows.

Administrative Permit **-** An administrative permit can be issued for an activity that qualifies as a minor repair or improvement in a relatively short period of time and without a public hearing on the application. Although an administrative permit application can be processed quickly, the proposed project must be reviewed against the same policies that are used to determine whether a major permit can be approved.

Major Permit **-** A major permit is issued for work that is more extensive than a minor repair or improvement. A public hearing is held on an application for a major permit and the application may be reviewed at hearings held by the engineers and designers who advise the Commission.

Region-wide Permit **-** Routine maintenance work that qualifies for approval under an existing Commission region-wide permit can be authorized in a very short period of time by the Commission's Executive Director without Commission review or a public hearing.

Emergency Permit **-** The Commission's Executive Director can issue an emergency permit after consultation with the Chair in emergency situations.

III. Where should the Applicant Apply?

Applicants should direct inquiries and permit applications to:

Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111
(415) 352-3600
(415) 352-3606 Fax

IV. What Information should the Applicant Provide upon Application?

Applicants must provide the following information on the application form entitled "Application for Permit":

- Names, addresses, and telephone numbers of the applicant, the applicant's representative, and the property owner.
- Complete description of the proposed project, including:
  - **?** Volume (cubic yards) of dredging or fill required.
  - **?** Estimated dates for beginning and ending the project.
  - **?** Cost of the project.
  - **?** Full description of existing and proposed uses.
  - **?** Explanation of present and proposed public access to the Bay.
  - **?** An analysis balancing the public benefits of the project with any possible public detriments, such as loss of marsh or water area.
- Project location, including city, county, and assessor's parcel number.
- Discussion of the project's purpose and how it conforms to the Commission's policies found in the San Francisco Bay Plan and the McAteer-Petris Act.
- Names and addresses of adjacent property owners.
- Proof of the applicant's legal interest in the property.
- List of all governmental approvals required and dates of completion.

When CEQA applies, the applicant must attach a copy of the CEQA environmental document to the application. If the environmental document exceeds five pages, the applicant must also submit a summary.

In addition to environmental document(s), the applicant must also submit drawings illustrating the plans for the project and a map of the area. These drawings should be on 8 1/2" X 11" paper suitable for reproduction. The site plan must show clearly and precisely existing and proposed improvements, public access, and the line of highest tidal action. The vicinity map should relate the project to the surrounding area, focusing on major highways, the Bay, other waterways, and important geographic features.

V. What Application Fee must the Applicant Provide?

Fees are charged to cover a small portion of the cost of processing an application. The amount of fee is based on the project's location and the total project cost. The following fee schedule indicates the most common categories of fees.

PROCESSING FEES

The first time extension to a permit	$50.00
A non-material amendment to a permit other than the first time extension	$100.00
An activity authorized under a region wide permit	$100.00
A minor repair or improvement with a total project cost (TPC) of:	
Less than $300,000	$150.00
$300,000 to $10,000,000	0.05% of TPC
More than $10,000,000	$5,000.00
Any other project that does not qualify as a minor repair or improvement with a total project cost (TPC) of:	
Less than $250,000	$250.00
$250,000 to $10,000,000	0.1% of TPC
More than $10,000,000	$10,000.00
Federal consistency submittal	None

Table 17: San Franciso Bay Conservation and Development Fees
NOTE: All fees are doubled for "after-the-fact" applications to correct violations. Fees are subject to change.

If the Commission serves as the "lead agency" under the provisions of the California Environmental Quality Act (CEQA), an additional fee of $300 is charged for analyzing, processing and distributing environmental documents. No fees are charged for environmental document review if BCDC is not the lead agency. In addition, another $500 fee is charged if an environmental assessment must be prepared. Fees may also be required to pay the cost of retaining consultants if the Commission staff determines that specialized information is needed to complete the required environmental analysis of a project. If an EIR must be prepared for the Commission either by its staff or a consultant, the applicant must pay the cost of this work (*California Code of Regulations,* section 11540 et seq.).

VI. How does the BCDC Evaluate and Process the Application?

Criteria for Evaluation: The Commission evaluates permit applications according to the proposed project's conformity with the McAteer-Petris Act and the Suisun Marsh Preservation Act, and two plans, the San Francisco Bay Plan and the Suisun Marsh protection Plan.

Procedures: The applicant should submit the application to BCDC's Permit Branch. The Commission staff has 30 days to determine whether the application is complete. If it is complete, it is officially filed and processed in one of three ways depending on the type of permit that is appropriate for the particular work that is authorized by the permit. Work on a project cannot begin until the application has been evaluated and approval has been issued. A permit is not effective until it has been signed by the applicant and returned to the commission.

Major Permit Application **-** After the Commission's staff determines that an application is complete; the staff distributes a summary of the application to the Commission and the public. No sooner than 28 days after the application has been filed and at least ten days after the summary has been distributed, the commission holds a public hearing on the application. Unless the applicant agrees to provide the Commission with more time, the Commission must act on a permit application within 90 days of the filing of the application (*California Code of Regulations,* Title 14, Division 5, Sections 10400 et seq.).

Administrative Permit Application **-** After the Commission's staff determines that an application is complete; the Commission's executive director summarizes the application on a list that is sent to the Commission, state agencies, and the general public. On this list, the executive director indicates whether the staff proposes to approve or deny the application. This action is taken shortly after the Commission meeting unless a majority of the Commission decides it wants to more fully consider the application. If the Commission makes this decision, the applicant is notified within five days after the Commission meeting that a public hearing is necessary. Complete administrative permit applications are typically processed in about five to eight weeks. [*California Code of Regulations*, Sections 10600 et. seq.]

Region wide Permit Application **-** After the Commission's staff determines that an application is complete, the staff has 14 days to determine whether the work proposed is authorized by an existing Commission region wide permit. Once the determination is made, the applicant is notified and work can begin if the application is approved. A complete region wide permit application takes no more than 44 days to process and does not require a public hearing. [*California Code of Regulations*, Sections 11700 et. seq.]

In an emergency, any of the three types of permits can be issued almost immediately if a project is needed to protect life, health, or property. The applicant must, however, file the formal application and pay the required fee within five days from the date the emergency permit is granted.

Appeals **-** Administrative actions by the Executive Director can be appealed to the Commission. The applicant must file a statement of appeal and must also re-file the application. Decisions by the Commission are final. The applicant may file a new application no sooner than 90 days after the Commission's decision. A modified project application may be filed anytime. Final decisions of the Commission are subject to judicial review on appeal to the Superior Court.

VI. What are the Applicants Rights and Responsibilities after Certification?

Rights: An applicant may request an amendment to an approved permit by submitting a letter to the Executive Director describing the proposed modification. If the Executive Director finds that the proposed amendment constitutes a material change to the approved project, the applicant must submit a new permit application for the Commission's approval. If the proposed amendment does not materially alter the approved permit, the Executive Director may approve the amendment administratively. Extensions of deadlines constitute typical permit amendments.

Responsibilities: The applicant must notify the Executive Director when the approved project is complete.

VII. What are the Commission's Rights and Responsibilities after Certification?

Rights: Whenever possible, the Commission's staff inspects the project area within ten days of the applicant's notice of completing the authorized work. The staff then issues a certificate of compliance or noncompliance with the terms and conditions of the permit. The staff reports evidence on noncompliance to the Commission. The Commission may hold a public hearing and take action to amend or revoke the permit.

VIII. What other Agencies should the Applicant Contact?

The applicant should contact the agencies listed below to determine whether they must issue permits for the proposed project:

A. Local - City, county, or special district

B. State - Air Pollution Control District

Department of Fish and Game

Regional Water Quality Control Board (Region 2 - San Francisco)

State Lands Commission

State Water Resources Control Board

C. Federal - U. S. Army Corps of Engineers

IX. What other Sources of Information are Available to the Applicant?

Applicants may refer to the publications listed below for further information on permits for development projects in the San Francisco Bay Region:

- Applying for Project Approval From BCDC, May 1990
- *The San Francisco Bay Plan*, BCDC, and any special area plan that has been adopted as part of the Bay Plan for the area of the proposed project
- *The McAteer-Petris Act*: Government Code Sections 666000 et seq., especially Sections 66605, 66610, and 66632
- California Code of Regulations, Title 14, Division 5
- *Suisun Marsh Preservation Act of 1977*: Public Resources Code Section 2900 et seq
- BCDC website: http://www.ceres.ca.gov

These publications are available from BCDC. The Government, Public Resources, and Administrative Codes are generally available at county law libraries, and the State Library in Sacramento.

Tahoe Regional Planning Agency (TRPA)

Development Permit

I. Who needs a TRPA Development Permit?

Any person or public agency proposing any development in the Lake Tahoe Basin must obtain approval from the Tahoe Regional Planning Agency (TRPA).

TRPA was established by interstate compact with Nevada in 1969. The compact was substantially amended in 1980. The agency has adopted a regional development plan for the Tahoe Basin, based on environmental carrying capacity thresholds. TRPA implements the plan by applying ordinances to all development projects, which could affect the area.

II. Where should the Applicant Apply?

Applicant should direct inquiries and applications to:

Tahoe Regional Planning Agency
308 Dorla Court
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038
(775) 588-4547
E-mail address: trpa@trpa.org

III. What Information should the Applicant Provide upon Application?

The Tahoe Compact requires detailed findings to be made by TRPA before approving any project. TRPA's informational requirements are, therefore, substantial and may include one or more specific and detailed reports and/or plans, depending upon the nature of the project. Applicants are urged to obtain a list of informational requirements from the agency.

IV. What Application Fee should the Applicant Submit?

TRPA charges an application fee based on the type of project. A list of fees per project type is available at TRPA's offices.

V. How Does the Agency Evaluate and Process Permit Applications?

Criteria for Evaluation: TRPA has established environmental carrying capacity thresholds for air quality, water quality, scenic quality, soil conservation, vegetation and noise. Projects are reviewed to determine whether these thresholds would be exceeded. TRPA must deny projects that exceed the carrying capacity thresholds. The Tahoe Compact requires an environmental impact statement for every project that may have a significant environmental effect. This statement may be prepared by TRPA and may be used by other California agencies in place of an Environmental impact report.

Procedures: When TRPA staff receives an application, it is reviewed for completeness. If the application is not complete, the applicant is notified and given a period of time to submit additional required information. When the completed application is accepted for processing, the staff may notify adjacent landowners and other interested persons depending on the type of project. The matter may be scheduled on TRPA's hearing agenda. The TRPA Executive Director may act on minor permit applications, but the TRPA Governing Board schedules large or controversial projects for review. TRPA will make any staff recommendations on major projects available to the applicant in advance of any public hearing on the project. At the public hearing, the Governing Board may receive testimony by the

applicant and any interested parties. The Governing Board usually takes action on the project at the hearing.

The Tahoe Compact requires that TRPA approve or deny a project within 180 days of filing date of a completed project application. In the case of complex projects, the agency and the applicant may agree to extend the time. If no action or agreement takes place within the 180-day period, the applicant may seek an order in a court having jurisdiction to compel action by TRPA.

Appeals: An applicant may appeal decisions of the TRPA staff to the Governing Board. The decisions of the Governing Board are not applicable except in court. An application that has been denied may not be re-submitted for 12 months unless certain criteria are met.

VI. What are the Applicants Rights and Responsibilities after the Permit is Granted?

Rights: A TRPA permit is valid for three years unless construction is begun and diligently pursued or unless the permitted activity has commenced. Once construction of the project has commenced, the applicant must complete the project with the approved construction schedule.

Responsibilities: The applicant must develop the project according to any conditions or schedules for construction attached to the permit.

VII. What are the Agency's Rights and Responsibilities after the Permit is Granted?

Rights: TRPA routinely inspects approved projects.

Responsibilities: The Agency must determine whether the applicant has successfully complied with the terms and conditions listed in the permit.

VII. What other Agencies should the Applicant contact?

The applicant should consider whether the agencies listed below would issue permits or be otherwise involved.

A. Local - City, county or special districts

B. State - California Attorney General
Department of Fish and Game
Department of Forestry
Department of Transportation
Lahonton Regional Water Quality Control Board
State Lands Commission
Department of Parks and Recreation
Department of Transportation (Caltrans)

C. Federal - U.S. Environmental Agency
U.S. Army Corps of Engineer
U.S. Department of Agriculture Forest Service

IX. What other Sources of Information are Available to the Applicant?

Applicants may wish to refer to TRPA's Regional Plan, Ordinances and Rules and Regulations and to the Tahoe Compact, which is found in the statutes at Government Code Section 66801. TRPA documents may be obtained directly from TRPA. TRPA also publishes information packets by project-type that is available at TRPA. TRPA'S website is http://www.trpa.org/

THE ENERGY COMMISSION

APPLICATION FOR CERTIFICATION

I. Who needs an Application For Certification?

Developers of electric power plants and/or electric transmission lines that fall within the Energy Commission's jurisdiction need to prepare an Application For Certification (Application for Certification). The Commission has jurisdiction over:

- Thermal electric power plants with a net generating capacity of 50 megawatts or larger.
- An electric transmission line from a thermal power plant under the Energy Commission's jurisdiction, to the first point of interconnection with the existing transmission system.
- Facilities related to a proposed thermal power plant including fuel supply lines, access roads, and water and waste facilities.

II. Where should the Applicant Apply?

The applicant should contact the Energy Commission's Siting Office by calling or writing to:

Roger E. Johnson
Siting Office Manager
California Energy Commission
1516 Ninth St., M.S. 15
Sacramento, CA 95814
(916) 653-0385
rejohnso@energy.state.ca.us

III. What Information should the Applicant Provide upon Application?

Applicants need to prepare an Application for Certification that includes the following information required by the Energy Commission's Siting Regulations:

- Project description
- Site description
- Engineering description of proposed facilities
- Electric transmission lines and any other linear facilities related to the project
- Project, site, and linear alternatives
- Environmental description and expected impacts including biological surveys conducted at the appropriate time of year
- Mitigation measures to reduce potentially significant environmental impacts

- Information necessary for the local/regional air pollution control district to make a determination of compliance with local rules and regulations
- Information necessary for the regional water quality control board to issue waste discharge requirements or a national pollution discharge elimination system permit
- Compliance with applicable laws, ordinances, regulations, and standards
- Financial impacts and estimated cost of the project
- Project schedule.

Note: The above list is not comprehensive. Applicants should refer to the Commission's Power Plant Siting Regulations (Title 20 California Code of Regulations).

IV. What Application Fee must the Applicant Submit?

The Energy Commission does not charge fees for processing an Application for Certification.

V. How does the California Energy Commission Evaluate and Process the Application?

The Application for Certification process determines if a project complies with applicable laws, if potentially significant adverse impacts are mitigated and if the project will impact electrical system reliability and efficiency. It also establishes the conditions of certification required for the project to be constructed, operated and decommissioned.

The Energy Commission has a Certified Regulatory Program and is the lead agency under the California Environmental Quality Act. The Commission does not prepare Environmental Impact Reports but prepares functionally equivalent documents. Public involvement is a critical part of the Commission's permitting process.

The Application for Certification process entails a series of information gathering and analytical phases leading to the final decision to approve/certify or deny a proposed project. The phase following certification is compliance. The phases are summarized below:

Pre-filing - The informal portion of the siting process is called "pre-filing" and is the period before an applicant submits or files a formal application to develop an energy facility. Pre-filing consists of meetings between the applicant, Energy Commission staff, and agencies to discuss the project, siting process, filing requirements, and specific issues. Workshops, site visits, public meetings and the optional preliminary review of the applicant's filing document may also be part of the pre-filing phase. All pre-filing activities are at the applicant's option.

Filing - Filing is not an actual phase, but an event. It occurs when 125 copies of the Application for Certification are delivered to the Energy Commission's Docket Unit. These copies are distributed to the Commission staff, the numerous responsible agencies taking part in Application for Certification review, local libraries, and to interested parties who become interveners (i.e. active participants in the case). A "filing" however, is not accepted until the application completes the data adequacy phase, which is discussed below.

Data Adequacy - The Energy Commission staff reviews the Application for Certification for completeness, using the requirements listed in the Siting Regulations. Responsible agencies dealing with resources affected by the project may participate in the review. Energy Commission staff must make a data adequacy recommendation to the Commission within 30 days of the filing of the Application for Certification, and the Commission must act on the recommendation within 45 days of the filing. If the Energy Commission finds that the Application for Certification is incomplete, it must provide the applicant a written list of deficiencies that must be addressed in a supplemental filing (125 copies). The

Commission must make any subsequent data adequacy determinations within 30 days of receipt of the supplemental filing.

Discovery/Data Requests **-** The Commission staff collects additional data required for impact analysis from the project applicant, other agencies, and any other relevant sources. Public workshops on technical and procedural matters and issues, and informational hearings for the public are held during this phase.

Analysis **-** The Commission staff conducts an independent analysis, focusing on a thorough examination of environmental impacts, mitigation measures, and development of a compliance plan. As a result of the analysis, the staff prepares a Preliminary Staff Assessment. Public workshops on the Preliminary Staff Assessment are held during this phase. The analysis phase is completed by preparation of a Final Staff Assessment that is the staff's testimony for the hearing phase.

Public Evidentiary Hearings **-** The applicant, Commission staff and responsible agencies present testimony reflecting the Step 5 analysis to the Energy Commission Committee (i.e. two Energy Commissioners) assigned to the proposed project. Other interested parties and the public can also testify or provide comments at these hearings.

Decision **-** The Energy Commission Committee prepares the Presiding Member's Proposed Decision that is released for public review and comment after the close of hearings. The Presiding Member's Proposed Decision is circulated for public review and comment and then revised before it is heard by the full Commission (i.e. five Commissioners) and either adopted, modified, or rejected. Depending on the Decision, the Application for Certification is approved/certified by the full Commission with conditions, or denied.

VI. What are the Applicant's Rights and Responsibilities after the Permit is Granted?

After the Energy Commission has certified a project, the applicant can begin construction. The applicant is responsible for complying with the Commission's adopted conditions of certification, and working with the Commission's Compliance staff for the lifetime of the project. The Commission's Compliance Monitoring program is discussed below.

VII. What are the California Energy Commission's Rights and Responsibilities after the Permit is Granted?

During the Application for Certification process, the Energy Commission establishes a monitoring system to assure that the facility is built and operated in compliance with the environmental, public health and safety, and other conditions adopted by the Commission. Through monitoring, the Commission enforces the conditions of certification from the start of construction through the unexpected closure or planned decommissioning of a facility at the end of its useful life.

VIII. What other Agencies should the Applicant Contact?

The applicant should contact the local or regional air pollution control district and the appropriate regional water quality control board. The applicant should also contact the appropriate city or county planning/community development department to understand the local applicable laws, ordinances, regulations, standards, plans and policies that need to be addressed in the Application for Certification. The city or county government staff can give the applicant a general sense of likely community response to the project.

IX. What other Sources of Information are Available to the Applicant?

The applicant can access www.energy.ca.gov/sitingcases/index.html to obtain general and specific siting case information. The site will provide links to various references such as:

- Overview of the Energy Commission Energy Facilities Siting/Licensing Process
- Energy Facilities Siting Regulations (Title 20 California Code of Regulations (CCR))
- Map of Power Facility Licensing Cases in California
- California Energy System Maps
- List of "Power Facility Licensing Cases Currently Before the Energy Commission"
- List of "Anticipated Power Facility Licensing Cases"
- "Energy Facilities Licensing Process – A Guide to Public Participation."

The Reclamation Board

Encroachment Permit

I. Who needs a Reclamation Board Permit?

Any person or public agency must obtain a Reclamation Board (Board) permit prior to start of any work or plan of work within floodways, levees, and generally ten feet landward of the landside toes of the levees over which the Board has jurisdiction. The Board's area of jurisdiction includes the entire Central Valley, including all tributaries and distributaries of the Sacramento and San Joaquin Rivers and Tulare and Buena Vista Basins. A list of streams regulated by the Board, including permissible work periods, is contained in the California Code of Regulations, Title 23, Section 112, Table 8.1. Designated floodway maps are available for review at the Board's office in Sacramento, at city and county planning or public works departments, and county recorders' offices.

If the plan or work could be injurious to or interfere with the successful execution, functioning, or operation of any facilities of an adopted plan of flood control or of a plan under study, the plan of work would also be subject to the Board's permit requirements.

Some examples of plans or work that require a Board permit include the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, fill, embankment, building, structure, and the planting, excavation, or removal of vegetation.

II. Where should the Owner-Applicant Apply?

Applicants should direct inquiries and permit applications to:

The Reclamation Board
Floodway Protection Section
1416 Ninth Street, Room 1601
Sacramento, CA 95814
(916) 653-5726

III. What Information should the Applicant Provide when Applying for a Permit?

The applicant must provide the following information on form DWR 3615 "The Reclamation Board Application for a Permit":

- A concise description of the proposed project or use
- The county, section, township, range, and the base and meridian in which the proposed project or uses are located
- The name, address, telephone number, and FAX number (if any) of the applicant
- The name and address of the property owner on which the project is located, if different from the applicant
- A current list of names and addresses of all property owners adjacent to the project
- Endorsement of the reclamation, levee, or flood control district responsible for levee maintenance (if any)
- If applicable, the name and address of the Lead Agency responsible for preparing environmental documents required by the California Environmental Quality Act
- The signature of the owner or applicant.

The applicant must attach to the application form the following documents that apply to the project:

- A map showing the exact location of the proposed project in relation to identifiable landmarks.
- The name of the stream, river mile, scale, north arrow, datum reference, and other information as required.
- Plan and elevation views of the proposed project or use and the proximity in relation to existing facilities, property lines, levees, streams, etc.
- Levee cross sections or profiles that indicate the elevations of levee crowns, toes, the low water surface, and design flood plane. These drawings should include horizontal and vertical scales and must reference a known elevation datum.
- Environmental documents, if prepared for the project, indicates compliance with the California Environmental Quality Act.

Four copies of the application and plan drawings must be submitted to the Board, one copy of the completed Environmental Questionnaire provided with the permit application, and one copy of any environmental documents prepared for the project must be submitted to the Board for processing.

IV. What Application Fee must the Owner-Applicant Submit?

The Board does not charge an application fee, but does charge fees for any necessary compliance with the California Environmental Quality Act.

V. How does the Board Evaluate and Process Permit Applications?

Criteria for Evaluation: The Board's staff uses two general standards when evaluating applications for encroachment permits:

- Conformance with sound flood control engineering practices and the California Code of Regulations, Title 23.
- The degree of environmental effect and compliance with the California Environmental Quality Act.

The California Code of Regulations, Title 23, identifies prohibited activities, acceptable construction methods, and conditions for approval of all work regulated by The Reclamation Board. In addition, the regulations contain conditions for approval of all work in specified geographical areas with unique environmental features. If the work is located in a designated floodway, the Board's staff determines whether the project is consistent with the adopted plan for that area. The Board also considers the project's effect on the environment.

Procedures: The Flood Protection Section (Section) of the board acknowledges receipt of the application within ten days. The Section has 30 days to determine whether the application materials are complete. If the application is complete, the Section begins the review. If the application is incomplete, the Section returns it to the applicant with a request for specific additional information.

When all application materials are complete, the Section determines whether the proposed project is consistent with the regulations and any applicable designated floodway plan or adopted plan of flood control. The Section also mails a copy of the application to the Navigation and Flood Control Unit of the U.S. Army Corps of Engineers for comment. At this time, the Section also notifies adjacent landowners and other interested parties of the application.

During the time the Section, other public agencies, and interested parties are reviewing the application; the Board's Environmental Review Committee reviews the proposed project or plan and any environmental document for compliance with the California Environmental Quality Act. In the event that an environmental document was not prepared and the ERC determines that one is necessary, the ERC notifies the appropriate lead agency and requests that they prepare an environmental document. In some cases, the Board is the appropriate lead agency and prepares environmental documents in-house or contracts for the preparation. The Board may charge and collect a reasonable fee from the owner-applicant to cover costs incurred in preparing environmental documents.

When all reviews are complete, the Section compiles all the comments and prepares a staff recommendation for the General Manager. Based on this recommendation and the comments received, the General Manager decides whether to approve the permit or schedule the application for the Board's consideration at the monthly public meeting. If the General Manager acts on the application, the permit application takes approximately two months. Lack of completed applications or environmental documents delays the processing time.

If comments from reviewing agencies and the public indicate that controversial issues exist, the Section schedules the application for the Board's next public meeting.

The Board meets once a month to act on matters before it, including applications for projects that may be controversial. The Board usually meets in Sacramento, but may hold public meetings throughout the state. The average processing time for controversial projects takes an additional two months (approximately).

In some cases, to prevent undue delay in the project, the applicant and the Section may find that the proposed work must be consistent with the evaluation criteria submitted. At this time, the General Manager may issue a tentative permit. The applicant then may begin work according to the conditions imposed by the General Manager. The Board will not grant final approval for the permit, however, until the owner-applicant completes all special conditions that are required for the project.

If the General Manager determines that an application requires the Board's action, a tentative permit may be issued prior to the Board's next meeting. The applicant then may proceed with the project according to the conditions of the General Manager's tentative approval. The Board may, however, modify or revoke a permit at a public meeting and may require that the owner-applicant remove any work already started.

Appeals: Persons wishing to appeal a decision by the General Manager must request in writing that the General Manager schedule the application for a Board meeting. The Board will attempt to hear the appeal at its next regularly scheduled meeting.

VI. What are the Owner-Applicant's Rights and Responsibilities after the Permit is Granted?

Rights: Where the property covered by a permit is sold; the right to perform the approved work may be transferred to the new owner. The owner-applicant must submit a letter to the General Manager requesting the transfer of the approved permit. The applicant may renew their permit by submitting a letter to the General Manager requesting renewal prior to the expiration date if the existing permit contains a condition that limits its validity.

The applicant may make minor modifications to an approved project by submitting a letter to the General Manager requesting an amendment to the existing permit. The owner-applicant that proposes significant changes to existing permits must submit a new application for permit.

The Board may also impose additional conditions to the permit if the inspection reveals physical changes in the project site or a change in design of the project as described in the permit.

Responsibilities: The Board is required to maintain the integrity of the levees and other flood control works constructed in cooperation with the United States, or according to a plan of flood control adopted by the Legislature or the Board within the Board's jurisdiction.

VII. What are the Board's Rights and Responsibilities after the Permit is Granted?

Rights: The Board's staff may inspect the project site at any time. If the staff determines that the owner-applicant has not fulfilled all the terms and conditions of the permit, the Board may revoke the permit. The applicant must then cease work and may apply for a new permit according to the regulations. The Board may also impose additional conditions to the permit if the inspection reveals physical changes in the project site or a change in design of the project as described in the permit.

Responsibilities: The Board is required to maintain the integrity of levees and other flood control works construction in cooperation with the United States according to a plan of flood control adopted by the Legislature or the Board.

VIII. What other Agencies should the Applicant Contact?

Applicants that must obtain a Board permit should also contact the following agencies to determine if they also will require a permit:

A. Local - City, county, or special district

B. State - Department of Fish and Game

Department of Water Resources

State Water Resources Control Board

State Lands Commission

C. Federal United States Army Corps of Engineers

IX. What other Sources of Information are Available to the Owner-Applicant?

For further information, the owner-applicant may refer to:

- California Code of Regulations, Title 23
- The California Water Code

These publications are available at county law libraries and the State Library in Sacramento. The California Code of Regulations, Title 23, may also be accessed on the Internet at *http://www.calregs.com* and the California Water Code at *http://leginfo.public.ca.gov/calaw.html*.

STATE LANDS COMMISSION

Dredging Lease

I. Who needs a Dredging Lease?

Anyone proposing to dredge lands under the jurisdiction of the State Lands Commission (SLC) must obtain a dredging lease. Those seeking authorization for the commercial removal of minerals must apply for a mineral lease under PRC Section 6890.

II. Where should the Applicant Apply?

Applicants should direct inquiries and request applications for dredging leases to:

State Lands Commission
Division of Land Management
Attention: Dredging Coordinator
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825
(916) 574-1900
Website: http://www.slc.ca.gov

III. What Information should the Applicant Provide upon Receipt of Application Materials?

The applicant must submit an application form (Form 54.2), which may be obtained from the Dredging Coordinator at the above address. Information requested on the form includes, but is not limited to, the following:

Part I: GENERAL DATA

Section A: Identification of Applicant

Section B: Legal Status of Applicant

Section C: Type of Project and Authorization

Section D: Project Location

Section E: Property Description

Section F: Other Governmental Jurisdiction

Part II: SPECIFIC PROJECT INFORMATION

Section A: Existing Conditions

Section B: Project Description

Part III: PROJECT ENVIRONMENTAL DATA

Section A: Environmental Setting

Section B: Assessment of Environmental Impacts

Section C: State Lands Commission as a Responsible Agency

IV. What Application Fee should the Applicant Submit?

All applicants must pay a non-refundable $25 filing fee and a minimum expense deposit of $800 to the SLC when submitting an application. The processing expense deposit amount may vary depending upon the complexity of the proposed project.

V. How does the Commission Evaluate and Process the Application?

Criteria for evaluation. - The SLC evaluates applications for dredging leases to determine how the proposed activity will affect the state-owned lands involved.

Procedures: When an applicant submits an application, it is reviewed for completeness. If the application is incomplete, the applicant is requested to submit specific additional information. If the application together with the submitted materials is determined not to be complete, the applicant can appeal this decision to the SLC. When all the requested information is received, the application is deemed complete and the time limits under California Environmental Quality Act (CEQA) and the Permit Streamlining Act commence.

A review of the proposed project is made by staff to establish the type of environmental analysis required by CEQA and determines appropriate steps to meet these requirements. Depending upon the type of environmental analysis required, processing an application may require from two months to a year. If the SLC is not the lead agency under CEQA, the application processing time depends on the action taken by the lead agency. A review of the project is made by staff to determine if a royalty is required and the rate to be charged. A lease is prepared and submitted to the applicant for review and approval prior to SLC action. Upon SLC approval of the project, the lease is issued.

Appeals*:* If an application is denied, the applicant may, without prejudice from the Commission, submit a new application for processing.

VI. What are the Applicant's Rights and Responsibilities after the Lease is Granted?

Rights: The applicant's rights are described in the lease. The rights and conditions vary, depending upon the authorized activity. The applicant's transfer of a right to another party is subject to prior SLC authorization.

Responsibilities: The applicant must abide by all terms and conditions in the approved lease.

VII. What are the Commission's Rights and Responsibilities after the Lease is Granted?

Rights: The SLC may inspect any dredging activities upon state lands whenever it wishes. It may revoke leases if the applicant fails to comply with the terms and conditions of the lease.

Responsibilities: The SLC must manage lands under its jurisdiction in the best interests of the people of the state.

VIII. What other Agencies should the Applicant Contact?

Applicants should contact the following agencies for the proposed project:

A. Local - City, county and special district

B. State - Coastal Commission (coastal projects)

Department of Fish and Game

The Reclamation Board

Regional Water Quality Board

San Francisco Bay Conservation and Development Commission (SF Bay and Delta)

Solid Waste Management Board

Tahoe Regional Planning Agency (Lake Tahoe projects)

C. Federal - United States Army Corps of Engineers

United States Coast Guard

IX. What other Sources of Information are Available to the Applicant?

Applicants may refer to the following publications for further information about dredging permits:

- California Code of Regulations, Title 2, Division 3, Section 1900 et seq.
- Public Resources Code, Section 6000 et. seq.

These publications are available at the SLC offices, county law libraries, and the State Library in Sacramento.

Land Use Lease

I. Who needs a Land Use Lease?

Sovereign Lands: The State Lands Commission (SLC) may lease or otherwise manage the use of sovereign tidelands, submerged lands, and beds of navigable waterways under its jurisdiction. These sovereign lands may not be sold, since the SLC holds these lands in trust for all Californians.

Anyone proposing to use such state-owned sovereign lands must first obtain a land use lease. Examples of the types of activities, which require land use leases, are:

- Marinas, restaurants, piers, docks, buoys, water skiing facilities, boat houses, boat launching ramps and floats.
- Industrial projects, such as oil terminals, pipelines, piers and wharves.
- Right-of-way uses, such as electric transmission lines, oil and gas pipelines, bridges, outfall lines, and similar facilities.
- Seawalls, bulkheads, breakwaters, and other similar uses.
- Uses by public agencies, such as public bridges, public roads, wildlife refuges, and recreational structures.

SLC authorization is also required for dredging, mining, and oil, gas, or geothermal exploration activities. The lease or permit required is covered in the appropriate section of the Public Resource Code. The SLC must manage state sovereign lands and their resources in the best interest of the people of the State of California.

School Lands: The SLC also manages State-owned school lands. As legal landowner, the SLC may sell or lease state school lands. Some examples of activities and surface uses of state school lands are:

- Right-of-way uses, such as electric transmission lines, oil and gas pipelines, roads, sewer lines and similar facilities
- Agricultural use
- Industrial development.

Anyone seeking to use state school lands must first obtain a lease or purchase the school lands from the SLC.

II. Where should the Applicant Apply?

Applicants should direct inquiries and can request applications for sovereign and school land use to:

State Lands Commission
Division of Land Management
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825
(916) 574-1900
Website: http://www.slc.ca.gov

III. What Information should the Applicant Provide upon Receipt of Application Materials?

Application form (Form 54.2) must be submitted which can be obtained from the State Lands Commission at the above address. Information requested on the "Application for Lease of State Lands" includes, but is not limited to:

- Names, addresses and telephone numbers of the applicant and the applicant's agent (if any).
- Location of the state land involved, including the county, nearest city, section, township, range, base and meridian and waterway.
- Landward property owner's name, address and telephone number; location of the upland property by address, subdivision, block and lot number, zoning designation, assessor's parcel number, and number and type of buildings on the upland property.
- Type of transaction requested.
- List of existing structures on the waterway and their construction dates, along with the beginning and ending dates of the proposed construction.
- Identification of other public agencies with approval authority over the proposed project and copies of any approvals already obtained.
- Existing zoning district and present use of the site.
- Proposed use of the site.
- Project description.
- Checklist showing the anticipated environmental effects of the proposed project.
- Environmental setting of both the project site and the surrounding property.
- If a corporation, the applicant must submit a Certificate of Incorporation issued by the State of California or the state of incorporation, together with the certificate issued by the State of California authorizing the applicant to do business in California.
- If a partnership, the applicant must submit a certified copy of the partnership statement. If the applicant has not filed a partnership statement in the county in which he or she does business, the applicant must give the particulars of the partnership, including the names and addresses of all partners.
- If an applicant owns land adjoining state land, a copy of the vesting documents, such as the grant deed, must be presented. If not the owner, the applicant must submit a copy of a lease, permit, or other evidence of the applicant's right to use the land.
- For commercial, industrial, and right-of-way uses, the applicant must attach a written description of the state land with a map and any supporting documents, including a legal description of the property prepared by a licensed engineer or surveyor.
- For all other uses, the applicant must attach a map of the area showing the dimensions and size of the facility on state land and the distances from the facility to property corners and boundaries.
- The applicant must submit one copy of the plot plan and elevation drawings showing the proposed structures and the proposed and existing improvements.

IV. What Application Fee should the Applicant Submit?

All applicants must pay a $25 non-refundable filing fee upon application. Applicants will be required to reimburse the SLC for its actual costs in processing the application, and will be required to submit an expense deposit and sign a reimbursement agreement as part of the application. Expense deposits range from $600 to $15,000.

The fees represent the SLC minimum expense deposits to process a typical, uncomplicated application. For complex applications, the SLC may require additional fees. If the applicant does not pay the required fees within 30 days of filing or when requested, the application may be canceled. If the SLC is lead agency under CEQA, the applicant must pay for the preparation of any necessary environmental documents, costs associated with environmental review, and other statutory fees, including, but not limited to, fees set forth in Fish and Game Code Section 711.4.

V. How does the Commission Evaluate and Process the Application?

Criteria for Evaluation: The SLC evaluates applications for land use leases to determine whether the proposed activity:

- Is consistent with the various trusts under which the lands are held
- Is acceptable environmentally
- Will affect the value of state lands
- Will be in the best interest of the people of California.

Procedures: When an application is submitted, the Public Land Manager for the respective area reviews the application for completeness and accuracy. The applicant is advised within 30 days whether the application is complete. If the application is incomplete, the Public Land Manager will request additional information and inform the applicant when the application is complete.

The Public Land Manager sends a description of the land to the Boundary Unit. The Boundary Unit reviews the description of the land to determine the extent of state land involved and to prepare a description of the lands to be leased. The Public Land Manager also refers the application to the environmental staff to determine whether an environmental study is required. If necessary, additional environmental data may be requested.

The Public Land Manager determines whether the project requires rental fees for the land. If the project requires rental fees, the lands are appraised to determine an appropriate rental fee.

The SLC may charge rental fees, royalties, or other fees. Generally, the SLC charges a minimum annual rent currently equal to nine percent of the appraised value of the property. It may also charge on the basis of a percentage of gross income, or the volume of minerals extracted, or any other method consistent with prudent land management practices and regulations contained in CCR, Title 2, Division 3, and the Public Resources Code.

When SLC is the CEQA lead agency, the Public Land Manager works with the environmental staff to prepare any environmental documents that are required. The draft environmental document is then sent to the State Clearinghouse for circulation to and review by state agencies. The applicant is responsible for the cost to prepare and process such documents.

After the SLC has submitted the environmental document to the Clearinghouse, it prepares all necessary legal documents for the proposed project. The Public Land Manager forwards all comments to the applicant. When the SLC is satisfied that the project has no negative consequences or has overriding reasons for approval, the environmental staff prepares the final environmental document.

The Public Land Manager submits the final environmental document, the application materials, and the legal documents to the Commission. The Public Land Manager also sends the lease document to the applicant for signature.

A majority vote of the Commission is required to approve a lease or permit application. If a lease is approved, the Public Land Manager forwards a copy to the applicant. Generally, the Commission meets no more than once a month. An applicant should allow adequate lead-time for processing an application.

Appeals: An applicant may not appeal the Commission's decision. However, denied applicants may ask for reconsideration or submit a new application for processing.

VI. What are the Applicant's Rights and Responsibilities after the Permit is Granted?

Rights: The applicant's rights are described in the lease documents. The rights and conditions vary depending upon the approval activity and the state land affected. The lease limits the applicant's rights to those essential activities expressly authorized by the lease.

The SLC issues land use leases for varying periods of years with a rent review at five-year intervals. In no event will any lease term exceed 49 years. Applicants proposing to renew a lease must submit an application for a new lease term at least six months before the original lease expires.

Responsibilities: An applicant must begin operating under the terms of the lease within the schedule provided in the lease or the lease may be terminated. An applicant must also maintain all facilities located on state lands and must agree to take all reasonable precautions to prevent pollution or contamination of the environment. Most land use leases require the project applicant to obtain and maintain liability insurance and/or a performance bond. Failure to provide and maintain insurance and bonds will likely result in termination of the land use lease. A lease is a binding contract. Failure to comply with all lease terms and conditions may result in termination of the lease and possibly a lawsuit for damages.

VII. What are the Commission's Rights and Responsibilities after the Permit is Granted?

Rights: The SLC may terminate leases and assess damages if the applicant fails to comply with the terms and conditions of the permit.

Responsibilities: The SLC must manage all lands under its jurisdiction in the best interests of the people of California.

VIII. What other Agencies should the Applicant Contact?

Applicants for land use leases should consider whether the following agencies must issue permits for the proposed project:

A. Local - City, county or special district

B. State - Coastal Commission (Coastal projects)

Department of Fish and Game

The Reclamation Board

Regional Water Quality Control Board

San Francisco Bay Conservation and Development Commission (S.F. Bay and Delta)

Solid Waste Management Board

Tahoe Regional Planning Agency (Lake Tahoe Projects)

C. Federal - United States Army Corps of Engineers

United States Coast Guard

United States Bureau of Reclamation

IX. What other Sources of Information are Available to the Applicant?

Applicants may refer to the publication listed below for further information about land use leases:

- California Code of Regulations, Title 2, Division 3, Section 1900 et seq.; and,
- Public Resources Code, Section 6000 et seq.

These publications are available at county law libraries, the State Library in Sacramento, and the State Lands Commission offices in Sacramento and Long Beach.

Business Transportation and Housing Agency

- Department of Transportation (Caltrans)
- Department of Housing and Community Development

DEPARTMENT OF TRANSPORTATION (CalTrans)

Encroachment Permit

I. Who needs an Encroachment Permit?

The California Department of Transportation (Caltrans) issues permits to encroach on land within the jurisdiction of the Department to:

- Ensure that the proposed encroachment is compatible with the primary uses of the State Highway System.
- Ensure the safety of both the permittee and the highway users.
- Protect the State's investment in the highway facility.

This requirement applies to persons, corporations, cities, counties, utilities, and other governmental agencies. Examples of activities within the right–of–way that require an encroachment permit include:

- Opening or excavating a state highway for any purpose.
- Placing, changing, or renewing an encroachment.
- Placing any advertising sign or device.
- Planting or tampering with vegetation growing along any state highway.
- Installing or removing tire chains for compensation.
- Constructing and maintaining road approaches or connections to or grading within right-of-way on any state highway.
- Any activity or special event affecting the use of the highway.

Private facilities running parallel to and falling in the rights-of-way of conventional highways with franchise rights from local agencies also require approval of the Program Manager, State and Local Project Development (SLPD) in Caltrans.

An encroachment, which involves work within the right-of-way with a cost of more than $1,000,000 requires a Highway Improvement Agreement or a Cooperative Agreement in addition to an encroachment permit.

Proposed encroachments requiring permanent access or maintenance in freeway or expressway rights-of-way are extreme cases, and are considered only under the following restrictions:

- The encroachments must be a public facility or utility dedicated to public use.
- Any alternative location for the encroachments would be inordinately difficult or unreasonably costly.
- The encroachment must be placed as near as possible to the right-of-way line.
- The Program Manager, State and Local Project Development in Caltrans and possibly the District Engineer of the Federal Highway Administration must approve the encroachments.

II. Where should the Applicant Apply?

Applicants should direct inquiries about permit applications to the local Caltrans District Office. The addresses for the District Offices are included at the end of this section.

III. What Information should the Applicant Provide?

Applicants should complete Caltrans "Standard Encroachment Permit Application" form, obtained at District Offices. Plans are to be in metric or dual units (metric English). The following information is required:

- The location of proposed work or encroachment by county, State highway route and post mile, if known, or distance to nearest major road intersection
- A complete description and detailed plans of the proposed work and existing facilities within the State highway right-of-way including an estimate of the cost of work within the right-of-way
- The applicant's name, address and telephone number
- The estimated dates to begin and end the proposed work
- The width, depth, length, and type of surface to be cut for excavation, if applicable
- The kind, diameter, pressure and product in pipes, if applicable.

An applicant requesting permission to install a facility requiring approval by the Program Manager, State and Local Project Development, Caltrans, must provide the following additional information:

- An index map, which should be a print of a small-scale key map showing in outline form the general alignment of the freeway, crossroads, frontage roads and ramps and the major geographic features. Generally, title sheets and freeway strip maps will suffice (Available from appropriate Caltrans District Office).
- Plans (in a metric scale that is equivalent to 50' - 200' =1") showing a graphic outline of the following:
  - ? The pavement and shoulder edges of the freeway or expressway crossroads
  - ? Collector roads and ramps
  - ? Adjacent roads or streets including proposed or existing frontage roads to which the facilities may be reasonably moved
  - ? Right-of-way and access denial lines
  - ? Present and proposed location of the facility or facilities involved, and physical features which affect the proposed location shall be shown (a dashed colored line to show existing facilities and a solid line in the same color for relocated position of the facility)
  - ? Trace of slope catch points
  - ? Existing drainage facilities
  - ? Fencing and location of locked gates where access locations are proposed
  - ? Other features such as topography where pertinent.

The plan need not be a special drawing. Copies of contract plans, project drawings, etc., are suitable. Whenever feasible, the plan should be as long as necessary to show the entire encroachment. However, separate sheets will also serve.

- Profiles, cross sections, and contour grading plans
- Substantiating hydraulic calculations if the project will affect existing drainages

- A full explanation as to the route and method by which the facility owner will gain ingress and egress to the encroaching facility for maintenance purposes (include an explanation of frequency, personnel, and equipment required for maintenance)
- A complete discussion of the available alternatives to the proposed encroachment together with cost estimates and substantiating data necessary for verification
- A discussion of potential consequences if the requested encroachment is not approved
- A statement regarding the environmental integrity of the project
- A discussion of potential positive or negative impacts on the state highway facility
- If encroachment is on a structure, design criteria for the proposed encroachment, geophysical data (when pertinent), structural details, and legible calculations of stresses due to the encroachment.

IV. What Application Fee should the Applicant Submit?

Caltrans charges a fee that varies according to the amount of effort required of Caltrans to review and inspect the proposed encroachment permit work. This fee consists of an hourly charge to cover Caltrans costs for review and inspection. The hourly cost is subject to change as necessary to cover expenses. The estimated fee is calculated at the time the application is submitted and a deposit is required of all applicants (except public agencies and public utilities) before any further processing. Public agencies are by law exempt from fees, and public utilities are billed for fees at a later date.

Caltrans may also require the applicant to complete Caltrans Encroachment Permit Performance Bond and Payment Bond (forms available from Caltrans permit offices) to ensure the applicant will comply with the terms and conditions of the permit. If bonds are required, Caltrans will determine the amount. Caltrans normally will not require a bond from public agencies or utilities.

V. How does the Department Process the Application?

Material Necessary for Application Completeness Determination - In addition to a completed Standard Encroachment Permit Application, the following information, where applicable, is required to determine the application completeness:

- Location map
- Final environmental document and evidence of its approval
- Hazardous waste investigation and assessment or clearance
- Traffic data (existing and projected)
- Development hydrology maps and calculations (existing and after development)
- Hydraulic calculations
- Development and highway grading plans
- Development and highway drainage plans
- Plans, profiles, cross sections, and contour grading plans of proposed work in State highway right-of-way prepared in conformance with Caltrans' Drafting and Plans Manual of Instructions (available from Department of Transportation, Central Publication Distribution Unit, 1900 Royal Oak Drive, Sacramento, California 95815)
- Existing and relocated utility plans with typical cross sections of utilities

- Structure plans with structure type classification and all calculations used in design if development impacts Caltrans structures
- Signal and lighting plans for work on State highway right-of-way if development impacts or requires signals and highway lighting designed in conformance with Caltrans Traffic Manual available from; Department of Transportation, Central Publication Distribution Unit, 1900 Royal Oak Drive, Sacramento, California 95815 and prepared in conformance with Caltrans' Signal and Lighting Design Guide; available at the District offices
- Specifications and special provisions for work in State highway right-of-way
- Additional information may be required for unique or complex projects
- Sand, rock, and gravel pits must be on the approved SMARA (Surface Mining Area Reclamation Act) list, available from the Office of Reclamation

Criteria for Evaluation: Caltrans evaluates the permit application to determine:

- How the project may disrupt traffic and/or result in potential hazards to other highway users
- How the proposed encroachment may impair the design, construction, operation, maintenance, or integrity of the highway
- How the applicant will restore the highway to its original condition, including landscaping, drainage, etc.

Caltrans also evaluates the permit application to determine how the proposed encroachment will affect the aesthetics of the highway.

Encroachments on freeways are not permitted except under highly exceptional circumstances. The burden is on the applicant to demonstrate that denial of application would create an unusual hardship.

Procedures: Applications are submitted to a Caltrans District Office. If the proposed encroachment is minor and will have no significant effect on the environment, or is exempt from the requirements of CEQA, the permit engineer will review the application to determine whether the encroachment is compatible with other highway uses and conforms to the Department's standards. The permit engineer has 60 days to issue or deny the permit after a completed application is received.

If the proposed encroachment is major (such as access to a subdivision or a transmission line), the permit engineer inspects the project area. Other District units, such as Traffic, Design, Hydraulics, and Environmental, may review the application to determine the proposed encroachments effect on the use of the state highway and the environment. If these units find the encroachment acceptable, the permit engineer issues the permit. The time to complete this process will vary depending on the complexity of the project.

If the proposed encroachment requires permanent access or maintenance to freeway or expressway rights-of-way, the District reviews the application and makes a recommendation to approve or deny the application. If the District recommends approval, the permit engineer will forward it to the Program Manager, State and Local Development Project in Caltrans. The Program Manager generally follows the recommendations of the District, however, permits are seldom granted unless special circumstances require them. If the Program Manager approves the application, it is returned to the District permit engineer who issues the permit. The process takes approximately four months. The decision of the Program Manager is final.

The terms and conditions of Caltrans encroachment permits are binding on the applicant.

Appeals: Every effort will be made to reach agreement with permit applicants in each district. Denials by the district are appealable to the District Director. In cases where a District Director denies a permit, that applicant may appeal to the Director of Transportation (Streets and Highways Code, section 671.5 (c)).

VI. What are the Applicant's Rights and Responsibilities after the Permit is Granted?

Rights: Any work on or within the State highway constitutes an acceptance by the applicant of all terms and conditions in the encroachment permit. The applicant may not transfer or assign an approved permit to another party. If the approved work cannot be completed by the date specified in the permit, the applicant must request the District to extend the permit. Applicants may request amendments to their permit applications or approved encroachment permits. Written amendments and accompanying site maps must be sent to the appropriate Caltrans District Office. The permit engineer reviews the proposed amendment according to procedures described for original permit applications.

Responsibilities: All Caltrans encroachment permits contain the following standard conditions, although there may be additional special conditions:

- The applicant must clean and maintain the project site after the project is complete.
- The applicant must pay Caltrans for its costs incurred in inspecting the encroachment site and for performing any permit-related work.
- The applicant must take precautions to protect public safety while the project is under construction.
- The applicant must construct the project in accordance with Caltrans' standards.
- The applicant must notify the appropriate Caltrans office of completion of the project.
- The applicant is liable for any damage to State property.

These conditions appear in the "General Provisions" attachment to each permit. Copies of the General Provisions are available in each District Office. In addition, there usually are Special Provisions relating to the specific applications, such as traffic control and work hours. Both the General and Special Provisions must be fully carried out, unless expressly waived in writing.

The applicant must submit to Caltrans "Progress Billing/Completion Notice" furnished with the permit and As-Built Plans upon finishing the approved project. The permit engineer will then inspect the project site to determine whether the applicant has complied with all terms and conditions of the encroachment permit. If the applicant has not, the district permit engineer will inform the applicant of the infraction(s) and request completion. If necessary, the District may revoke the permit or do any necessary work and recover its expenses from the applicant.

VII. What are the Department's Rights and Responsibilities after the Permit is Granted?

Rights: Caltrans may revoke a permit and order the removal of an encroachment if the applicant has not complied with all terms and conditions of an approved permit or if the continuance of the encroachment is incompatible with highway use. Future construction or maintenance of the highway may require the removal or relocation of the encroachment entirely at the applicant's expense.

Responsibilities: Caltrans is responsible for assuring the safety and integrity of the State Highway System.

VIII. What other Agencies should the Applicant Contact?

An applicant should consider whether other agencies, including, but not limited to, the following must issue permits or approve the proposed project:

A. Local - City, county, or special district

B. State - Department of Fish and Game

Public Utilities Commission

Coastal Commission

Regional Water Quality Control Board

San Francisco Bay Conservation and Development Commission

Tahoe Regional Planning Agency

C. Federal - United States Forest Service

Bureau of Land Management

Army Corps of Engineers

Department of Interior Fish and Wildlife Service

IX. What other Sources of Information are Available to the Applicant?

Applicants may refer to the following publications for more information about Caltrans encroachment permits:

- *Caltrans Encroachment Permit Manual,* California Department of Transportation, Central Publication Distribution Unit, 1900 Royal Oaks Drive, Sacramento, CA 95815.
- Streets and Highways Code Sections 660-734.

The Caltrans Encroachment Permit Manual is available for review at Caltrans District Offices. The Streets and Highway Code is available at county law libraries and the State Library in Sacramento.

Department of Transportation

District 1
1656 Union Street
Eureka, CA 95501
(707) 445-6385

District 2
1657 Riverside Dr.
Redding, CA 96049
(530) 225-3314

District 3
730 B Street
Marysville, CA 95901
(530) 741-5374

District 4
111 Grand Avenue
P.O. Box 23660
Oakland, CA 94623
(510) 286-4435

District 5
50 Higuera Street
San Luis Obispo, CA 93401
(805) 549-3206

District 6
1333 West Olive Avenue
Fresno, CA 93778
(559) 445-6578

District 7
120 South Spring Street
Los Angeles, CA 90012
(213) 897-4609

District 8
464 W. 4th Street
San Bernardino, CA 92401
(909) 383-4536

District 9
500 South Main Street
Bishop, CA 93514
(760) 872-0650

District 10
1976 East Charter Way
Stockton, CA 95201
(209) 948-3819

District 11
4080 Taylor Street
San Diego, CA 92186
(619) 688-6158

District 12
3337 Michelson Dr., Ste 100
Irvine, CA 92612
(949) 724-2445

Table 18: Encroachment Permit Offices

Airport/Heliport Permit

I. Who needs an Airport/Heliport Permit?

The California Department of Transportation (Caltrans), through its Aeronautics Program, issues state permits for the construction and operation of airports and heliports. This authority resides in the Public Utilities Code Sections 21663.

The State's airport and heliport permit requirements and process applies to both privately- and publicly-owned facilities. The requirements and process apply to any type of use: Personal-Use, Special-Use or Public-Use. Definitions of these use categories and other information on establishing an airport or heliport are contained in the California Code of Regulations, Title 21, sections 3525 through 3560, and the Public Utilities Code Sections 21661, 21662, 21664, 21664.5, 21666, 21668, and 21668.2.

The first step is to obtain a Site Approval Permit for the original construction of a new airport or heliport, or for the expansion of an existing airport or heliport. "Expansion", as used in this case, includes, but is not limited to, enlarging an existing airport runway (lengthening or widening); adding a new runway; or reorienting the runway's direction; or expanding the size of an existing heliport, to include adding a separate parking area. The second step is to obtain the actual operating permit. This comes after verification by the Aeronautics Program that the facility was in fact constructed in accordance with the construction plan and other documents submitted for the Site Approval Permit. An on-site inspection will be done to verify compliance with State minimum standards.

II. Where Should the Applicant Apply?

Direct inquiries to the Caltrans Aeronautics Program, Office of Airports, at (916) 654-4959 or (916) 653-9603.

III. What Information should the Applicant Provide upon Application?

An application information package can be obtained by calling The Caltrans Aeronautics Program, Office of Airports at (916) 654-4959. This information package identifies all the steps and submission documentation.

IV. What Application Fee should the Applicant Submit?

There is no application fee.

V. How does the Aeronautics Program Evaluate and Process an Application?

Prior to actual construction, final plans are reviewed for compliance with applicable Federal Aviation Administration and State minimum standards. Documentation submitted per state permit requirements will be reviewed for adequacy and accuracy. If necessary a pre-construction site visit may be conducted. If everything meets requirements, a Site Approval is issued. This authorizes construction to start. After construction is completed, a site visit will be done to verify compliance with federal and state minimum standards. If standards are met, an operating permit will be issued.

VI. What are the Applicant's Rights and Responsibilities after the Permit is Granted?

An applicant has the responsibility to fully comply with plans and conditions approved for construction by the Aeronautics Program, or can exercise their right to change plans, and possibly conditions, with the approval of the Aeronautics Program. After an operating permit is issued, the applicant has the responsibility to maintain the facility in compliance with federal and state minimum standards under which the permit was originally issued.

VII. What are the Aeronautics Program's Rights and Responsibilities after the Permit is Granted?

Under Public Utilities Code Section 21666, Caltrans can deny an application for an initial permit due to an applicant's failure to comply with documentation requirements or because the initial proposal to establish an airport or heliport does not meet State minimum standards. Under Public Utilities Code Section 21668.2, Caltrans can suspend a permit due to failure, over a prolonged period of time, to correct serious discrepancies in complying with specific permit conditions and minimum standards. The department is responsible for conducting a hearing, if so requested by an applicant or permit holder, if a denial, suspension, or revocation is challenged.

VIII. What other Agencies should the Applicant Contact?

The applicant should consider whether other agencies, including but not limited to the following, must issue their own permit approvals:

A. Local - City or county in which the proposed airport or heliport is/will be located for building permits, conditional use permit, the California Environmental Quality Act, zoning restrictions/requirements.

B. State - None

C. Federal - Federal Aviation Administration for "airspace determination" by submitting a Notice of Proposed Alteration or Construction (Form 7460-1) and/or Notice of Landing Area Proposal (Form 7480-1).

IX. What other Sources of Information are Available to the Applicant?

- Federal Aviation Administration Advisory Circular 150/5300-13A, Airport Design
- Federal Aviation Administration Advisory Circular 150/5390-2A, Heliport Design
- Federal Aviation Regulation Part 77
- California Public Utilities Code, Sections 21001 et seq
- California Code of Regulations, Title 21, Sections 35625 through 3560

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT (HCD)

Permit to Construct (Mobile Home Parks & Campgrounds)

I. Who needs a Permit to Construct?

To protect the health and safety of mobile home park residents, anyone proposing to: build a mobile home park, special occupancy park, or campground; add to or alter an existing park; install a mobile home intended for human habitation on a site; construct or install a mobile home accessory structure; or install an Earthquake Resistant Bracing System under a mobile home (ERBS) must apply for and obtain a permit from the Department of Housing and Community Development (HCD) or an authorized local agency that has assumed responsibility for the enforcement of the Mobile Home Parks Act (Health and Safety Code and Title 25 of the California Code of Regulations*)*.

II. Where should the Applicant Apply?

Although cities and counties may assume responsibility for the enforcement of the Mobile Home Parks Act to review and issue the Permit to Construct for mobile home parks and lots within their jurisdiction, HCD retains enforcement jurisdiction over approximately 68 percent of the parks in the State. Applicants may wish to contact either of the offices listed below to determine whether the city, county, or State reviews the permit application. Applicants in Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Mono, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, Tulare, and Ventura counties should contact the Southern Area Office. Applicants in any other of the counties in California should contact the Northern Area Office.

Department of Housing and Community Development Area Offices

Division of Codes and Standards Northern Area Office 8911 Folsom Boulevard Sacramento, CA 95826 (916) 255-2501	Division of Codes and Standards Southern Area Office 3737 Main Street, Ste#400 Riverside, CA 92501 (909) 782-4420

Table 19: Division of Codes and Standards

III. What Information should the Applicant Submit?

To obtain a permit from HCD, the applicant submits a completed form HCD-50, "Application for Permit to Construct," or an HCD 50 ERBS, "Application for Permit to Install Manufactured Earthquake Resistant Bracing System." Local enforcement agencies will have similar forms. The form requests the following information:

- The full description of the proposed project, including the name and address of the project.
- The name and address of the applicant and project owner.
- In the case of a park, the number of lots with utility services and a list of the number and type of electrical outlets, fixtures and appliances (for recreation buildings – heating and cooling units, and plumbing fixtures), for the installation of a mobile home or an accessory structure with similar pertinent information.
- Earthquake Resistant Bracing Systems information, for the installation of an ERBS.

Contractors and owners must also submit a certification of compliance with the Workers' Compensation Law and have a valid California Contractor's License. An owner does not need a contractor's license for performing work on his or her own property, but must provide a signed certification of exemption stating that workers were not hired.

Applicants must also provide three copies of the plans for the mobile home park, special occupancy park, or campground, including the following:

- Name and address of the owner, the plan preparer, and the project itself.
- Plot plan showing location, easements, and property and individual lot lines.
- Drainage plan with contours.
  - ? Details of the sewage disposal system indicating sewer lines, type of pipe, locations of clean outs and vents, and mobile home connections.
- Water distribution plan with evidence of approval from the local health department.
- Gas distribution plan.
- Electrical distribution plan providing specifications for service equipment.
- Fire protection plan with evidence of approval from the local fire department.
  - ? Detailed drawings showing depth, width, and location of trenches for the utility services.
  - ? A separate set of plans indicating permanent buildings.
  - ? Evidence of local planning department approval.

IV. What Application Fee should the Applicant Submit?

The fees for construction permits vary according to the size of the development, which takes into account the number of lots, and the number and type of services provided. Fees generally average $30 per lot for a proposed mobile home park. Larger developments with 500 to 1,000 lots may have slightly reduced fees per lot.

V. How Does the Department Evaluate and Process the Application?

Criteria for Evaluation: HCD will not approve a mobile home park that violates health and safety regulations. HCD enforces these regulations through the plan review process and by requiring local agency approvals for the projects, to include the assurance of adequate water and sewage service for the project.

Inspectors review plans and specifications for compliance with a variety of health and safety requirements. For example, gas and electric distribution systems are checked for conformity with the Uniform Plumbing Code and the National Electrical Code, respectively. Title 25, Chapter 2 of the California Code of Regulations contains the health and safety criteria used by HCD to evaluate all projects.

Procedures: Before a permit application can be processed, the applicant must secure all local approvals to include: approval from the local health department, fire district, sewer district, utility companies, and flood control agencies, and, most importantly, the local planning department. After receiving all local approvals, the applicant may either mail or take the drawings and permit application directly to an HCD area office or to the local enforcement jurisdiction, as appropriate.

The application documents are reviewed, including all environmental documents, to determine whether they are complete and accurate. Within 10 days of receipt of the application and accompanying documents, the applicant is notified as to the completeness of the application. In the case of an incomplete application, if the applicant does not respond to a request for additional information, HCD will cancel the application 180 days after the request.

When the application is complete, the Plan Check Section reviews the plans and specifications for conformity with the requirements set forth in Title 25 of the California Code of Regulations. If the application conforms to the requirements of law, HCD may issue the permit immediately. If the application is not in conformity with the law, the applicant must make the required changes before the permit is approved for issuance.

The Permit to Construct remains valid for six months, but may be regularly renewed at six-month intervals for up to two years. Permits to Construct shall expire two years from date of issuance.

Appeals: HCD will usually approve a permit if the applicant has secured local approvals. However, if HCD denies a permit, the applicant may appeal the decision by sending a written appeal to the Director of HCD, 1800 3rd Street, Sacramento, CA 95814. A hearing is generally arranged for the appeal.

VI. What are the Applicant's Rights and Responsibilities after the Permit is Granted?

Rights: The applicant's rights are stated in the permit application. The applicant may submit amendments to the permit application; however, the permit may not be transferred to another party.

Responsibilities: HCD or the local enforcement agency may attach specific terms and conditions to the permit application approval. These may vary on a case-to-case basis, but frequently include time constraints and requirements to provide amenities.

VII. What are the Department's Rights and Responsibilities after the Permit Is Granted?

***Rights*:** HCD or the local enforcement agency may inspect the project site at anytime. If the applicant fails to comply with the terms and conditions in the permit, the permit may be revoked.

***Responsibilities*:** HCD or the local enforcement agency must inspect the project to determine whether the project meets the requirements set forth in the permit and is constructed in accordance with the approved plans.

VIII. What other Agencies should the Applicant Contact?

Applicants for a permit to construct should consider whether the following agencies must also issue permits or approve the proposed project:

A. Local - City or county school districts, planning, health, sewer, water, flood control, and fire protection agencies

B. State - Coastal Commission

Department of Fish and Game

Department of Forestry

Department of Parks and Recreation

Regional Water Quality Control Board

Tahoe Regional Planning Agency

IX. What other Sources of Information are Available to the Applicant?

Applicants may refer to the following publications for further information about the permit to construct:

- California Code of Regulations, Title 25, Chapter 2, Section 1000 et seq.
- Health and Safety Code, Division 13, Part 2.1, Section 18200 et seq.

These publications are available for review at HCD, area offices, county law libraries, and the State Library in Sacramento. Publications permit applications, and other information relative to mobile home parks is also available on the HCD website at: http://www.hcd.ca.gov/codes/mp.

Health and Human Services Agency

- Department of Health Services (DHS)

Department of Health Services

Division of Drinking Water and Environmental Management

Permit to Operate a Public Water System

I. Who needs a Permit to Operate a Public Water System?

Any person who plans to operate a public water system (PWS) must obtain a Permit to Operate from the Department of Health Services (DHS). DHS is responsible for regulatory oversight. DHS may, however, delegate this responsibility to the Local Health Officer of a local primacy agency. (County health or environmental agency), for PWS with less than 200 service connections. DHS is responsible for issuing and enforcing permits for all PWS except for those systems with less than 200 service connections located in counties that have received primacy delegation for the water programs from the department.

"Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A PWS includes the following:

- Any collection, treatment, storage, and distribution facilities under control of the operator of the system, which are used primarily in connection with the system.
- Any collection or pretreatment storage facilities not under the control of the operator, which are used primarily in connection with the system.
- Any person who treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

The Permit to Operate a Public Water System does not apply to a public water system, which meets all of the following conditions:

- Consists only of distribution and storage facilities and does not have any collection and treatment facilities.
- Obtains all of its water from, but is not owned or operated by, a public water system to which this chapter applies.
- Does not sell water to any person or user, except for the sale of water to users pursuant to Section 2705.5 of the Public Utilities Code through a sub-metered service system if the water supply is obtained from a public water system to which this chapter applies.

II. Where should the Applicant Apply?

The applicant should apply to the DHS district office for the area in which the proposed project is located. For these counties that have received primacy delegation from DHS, the local health officer or the director of the county environmental health services agency is the appropriate contact for PWS with less than 200 service connections.

III. What Information should the Applicant Provide upon Application?

An applicant must submit a technical report as part of the permit application. This report may include, but is not limited to, detailed plans and specifications, water quality information, and physical descriptions of the existing or proposed system. DHS also requires the water supplier to possess adequate financial, managerial, and technical capability to assure the delivery of pure, wholesome, and potable drinking water, as required by Health and Safety Code (Section 116540). Applicants should contact a DHS district office for more information and forms.

IV. What Fee should the Applicant Pay?

Criteria for Evaluation: DHS evaluates each water system to assure a reliable and adequate supply of water at all times which is pure, wholesome, and potable, and does not endanger the health of the consumers.

Procedures: Once DHS determines that the application is complete, it will make a thorough investigation of the proposed or existing plant, works, system, and water supply, and all other circumstances and conditions that it deems material.

Following completion of the investigation, DHS will issue or deny the permit. DHS may conduct a public hearing to obtain additional public comment on the project prior to the issuance of any new, revised, or amended permit, or the denial of a permit. Notice of the hearing shall be provided to the applicant and interested persons at least 30 days prior to the hearing. The Department may require the applicant to distribute the notice of the hearing to affected consumers.

Fees - PWS with 1,000 or more service connections are required to reimburse the Department for the actual costs incurred for processing the permits. PWSs with less than 1,000 service connections are required to pay flat fees, according to the type of permit.

PERMIT	FEE
A new community water system	$507
A new, non-community water system	$304
An amended permit for change in ownership	$152
An amended permit for an addition or change method of water treatment	$253

Table 20: Permit Fees for Public Water Systems

Note: Fees may be paid with submission of permit application.

V. What are the Applicant's Rights and Responsibilities after the Permit is Granted?

Rights: The applicant may proceed with the approved activity according to the conditions of the permit.

Responsibilities: The operator of the public water system shall do all of the following:

- Comply with primary and secondary drinking water standards
- Ensure that the system will not be subject to backflow under normal operating conditions
- Provide a reliable and adequate supply of pure, wholesome, and potable water
- Comply with all special conditions specified in the permit.

VI. What are the Department's Rights and Responsibilities after the Permit is Granted?

Rights: DHS may renew, reissue, revise, or amend any domestic water supply permit to protect public health regardless of whether an application has been filed.

Responsibilities: DHS is responsible for ensuring the orderly and efficient delivery of safe drinking water within the state by assuring that PWS comply with all provisions of their permit.

VII. What other Agencies should the Applicant Possibly Contact?

Applicants should contact the following agencies for the proposed project:

A. Local - City, county, special district, and the local health officer

B. State - Air Pollution Control District
Coastal Commission
Department of Water Resources
Regional Water Quality Control Board
State Water Resources Control Board
San Francisco Bay Conservation and Development Commission
The Reclamation Board
Tahoe Regional Planning Agency

C. Federal - Environmental Protection Agency
Army Corps of Engineers
Bureau of Reclamation

VIII. What other Sources of Information are Available to the Project Proponent?

Health and Safety Code Section 116270 et seq. This publication is generally available at county law libraries, the State Library in Sacramento, and DHS district offices.

Department of Health Services District Offices

Region I - Northern California Section – Sacramento – Albert Ellsworth, Chief

Sacramento District
Sacramento District Clerical: Meena Kumar
Jess Morehouse, District Engineer
8455 Jackson Road, Room 120
Sacramento, CA 95826
(916) 229-3-126 / FAX (916) 229-3127
E-mail Address: jmorehou@dhs.ca.gov

Alpine
El Dorado
Nevada
Placer
Sacramento
Yolo

Lassen District
Vacant, District Engineer
415 Knollcrest Drive, Suite 110
Redding, CA 96002
(530) 224-4800 / FAX JE301224-4844

Lassen
Modoc
Plumas
Shasta

Valley District
Gunther Sturm, District Engineer
415 Knollcrest Drive, Suite 110
Redding, CA 96002
(530) 224-4800 / FAX (530) 224-4844
E-mail Address. Gsturm@dhs.ca.gov

Butte
Yuba
Colusa
Glenn
Sierra
Sutter
Tehema

Klamath District
Gene Parham, District Engineer
415 Knollcrest Drive, Suite 110
Redding, CA 96002
(530) 224-4800 / FAX (530) 2244W
E-mail Address: gparham@dhs.ca.gov

Del Norte
Humboldt
Siskiyou
Trinity

Region II - North Coastal Section – Berkeley - Catherine Ma, Chief

San Francisco District
Clifford Bowen, District Engineer
2151 Berkeley Way, Room 458
Berkeley, CA 94704
(510) 540-2158 / FAX (510) 540-2152
E-Mail Address: cbowen1@dhs.ca.gov

Alameda
Contra Costa
Marin
San Francisco
Solano

Monterey District
Steve Setoodeh, District Engineer
I Lower Ragsdale, Bldg. 1, Suite 120
Monterey, CA 93940
(831) 655-6939 / FAX (831) 655-6944
E-Mail Address: ssetoodeh@dhs.ca.gov

Monterey
San Benito
Santa Cruz

Santa Clara District
Eric Lacy, District Engineer
2151 Berkeley Way, Room 459
Berkeley, CA 94704
(510) 540-2158 / FAX (510) 540-2152
E-Mail Address: clacy@dhs.ca.gov

Santa Clara
San Mateo

Mendocino District
Bruce Burton, District Engineer
50 D Street, Suite 200
Santa Rosa, CA 95404-4752
(707) 576-2145 / FAX (707) 576-2722
E-Mail Address: bburton@dhs.ca.gov

Lake
Mendocino
Napa

Sonoma District
Bob Brownwood, District Engineer
50 D Street, Suite 200
Santa Rosa, CA 95404-4752
(707) 576-2145 1 FAX (707) 576-2722
E-Mail Address: rbrownwo@dhs.ca.gov

Sonoma

Region III – Central California Section – Cindy Forbes, Chief

Merced District
Carl Carlucci, District Engineer
1040 East Herndon Avenue, Suite 205
Fresno, CA 93720-3158
(559) 447-3300 / FAX (559) 447-3304
E-Mail-Address: ccarlucc@dhs.ca.gov

Fresno
Madera
Mariposa
Merced
Tuolumne

Visalia District
Richard Haberman - District Engineer
1040 East Herndon Avenue, Suite 205
Fresno, CA 93720-3158
(559) 447-3300 / FAX (559) 447-3304
E-Mail Address: rhaberma@dhs.ca.gov

Kings
Tulare

Tehachapi District
Jim Stites, District Engineer
1040 East Herndon Avenue, Suite 205
Fresno, CA 93720-3158
(559) 447-3300 – FAX (559) 447-3304
E-Mail Address: jstites@dhs.ca.gov

Kern

Inyo

San Bernardino District
Kalyanpur Baliga- District Engineer
Government Center, 4th Floor
464 W. 4th-Street #437
San Bernadino, CA 92401
Email Address: kbalig@dhs.ca.gov

San Bernardino

Stockton District
Joseph, Spano, District Engineer
31 E. Channel Street, Room 270
Stockton, CA 95202
(209) 948-7696 / FAX (209) 948-7451
E-Mail Address: jspano@dhs.ca.gov

Amador
Calaveras
San Joaquin
Stanislaus

Santa Barbara
John Curphey, District Engineer
1180 Eugenia Place, Suite 200
Carpinteria, CA 93013
(805) 566-1326 / FAX (805) 566-4790
E-Mail Address: jcurphey@dhs.ca.gov

San Luis Obispo
Santa Barbara
Ventura

Region IV - South Coastal Section – Los Angeles – Gary Yamamoto, Chief	
Hollywood District Joseph Crisologo, District Engineer 1449 W. Temple Street, Room 202 Los Angeles, CA 90026 (213) 580-5723 / FAX (213) 580-5711 E-Mail Address: jscrisolo@dhs.ca.gov	Los Angeles
Metropolitan District Vera Melnyk-Vecchio, District Engineer 1449 W. Temple Street, Room 202 Los Angeles, CA 900260 (213)580-5723 / FAX (213) 580-5711 E-Mail Address: vmelny@dhs.ca.gov	Los Angeles
Central District Heather Collins, District Engineer 1449 W. Temple Street, Room 202 Los Angeles, CA 90026 (213) 580-5723 / FAX (213) 580-5711 E-Mail Address: hcollin2@dhs.ca.gov	Los Angeles
Region IV – South Coastal Section – Los Angeles – Gary Yamamoto, Chief	
San Diego District Brian Bernados, District Engineer 1350 Front Street, Room 2050 San Diego, CA 92101 (619) 525-41591 FAX. (619) 525-4383 E-Mail Address: bbernad@dhs.ca.gov	Imperial San Diego
Riverside District Steve Williams, District Engineer 1350 Front Street, Room 2050 San Diego, CA 92101 (619) 525-4159 / FAX (619) 525-4383 E-Mail Address: swillia@dhs.ca.gov	Riverside
Santa Ana District Frank Hamamura, District Engineer 28 Civic Center, Room 325 Santa Ana, CA 92701 (714) 558-4410 / F FAX (714) 567-7262 E-Mail Address: fhamaur@dhs.ca.gov	Orange

Table 21: Department of Health Services District Offices

California technology, Trade & Commerce Agency

- California Film Commission

CALIFORNIA FILM COMMISSION

Film Permits

I. Who needs Film Permits?

In general terms, a film permit is required when the project is not for home viewing. This includes, but is not limited to, the following types of projects:

- Planned/scheduled editorial news tapings (includes interviews)
- Commercial still photography (includes personal portfolios)
- Student film and still photography projects
- Industrials
- Commercials
- Music videos
- Public Service Announcements
- Director's reels
- Feature films
- TV (movies, series, pilots)
- Infomercials
- Internet broadcasts
- All non-breaking news reports.

Film permits serve to protect resources, and to secure a specific location for the photographer or filmmaker. Requests to film are evaluated to determine any potential impacts to a specific location as well as to determine any conflicting schedules.

II. Where should the Photographer/Filmmaker Applicant Apply?

For use of state owned and operated properties, filmmakers apply directly to the California Film Commission (CFC). The CFC acts as a one-stop film permit office, representing all State agencies. The film permit coordinator is at 1 (800) 858-4749. The address is:

California Film Commission
7080 Hollywood Blvd., Suite 900
Hollywood, CA 90028
(323) 860-2960
E-mail address: filmca@commerce.ca.gov
Websites: http://film.ca.ca.gov *or* www.cinemascout.com

III. What Information should the Photographer/Filmmaker Submit upon Application?

- Names, addresses, and telephone numbers of the production company, the location manager, and the producer or production manager.
- Description of the location to be filmed at. This may include a specific section of roadway, a park, a state building, and other locations.
- Description of the activity to be performed, such as running shots, drive bys, helicopter filming, interiors, exteriors.
- The equipment being brought to the property should be identified, such as trucks, cranes, and tripods.
- Insurance documentation as required by the coordinating agency.

IV. What are the Costs for Film Permits?

Costs vary depending on the permitting authority. The CFC does not charge for the use of state property for film details. There are no location fees or permit fees. The only expense is for reimbursement of employee time when applicable, and parking fees, when applicable. All fees are subject to change.

V. How does the CFC Evaluate and Process the Application?

Although not the approving authority for state property, the CFC acts as the liaison between the photographer/filmmaker and the state. The CFC evaluates film requests for clarity. In order for a request to be evaluated properly, specific information is required, including dates, times and activities. The CFC determines which state agency has jurisdiction for approval, and determines that insurance requirements have been met.

The CFC verifies all pending approvals from appropriate state agencies and validates all insurance data before film permits are released to an applicant. The average turnaround for a film permit is two days, with more complicated requests taking up to five days. All requests for state property are evaluated individually, based on the impact to the resources, the public, and the filmmaker.

VI. What are the Applicant's Rights and Responsibilities after the Permit is Granted?

All information provided to the CFC is available to the public. It is used for tracking production in California as well as other data management functions. Public viewing of this information is available by appointment, although rarely requested.

Production companies are responsible for following the guidelines identified in their film permit. These guidelines are often provided for protection of the resource and safety of the filmmaker. Filming on state property is subject to monitoring at any time, although not always at the filmmaker's expense. Film permits may be revoked when permit conditions are violated.

VII. What other Information is Available to Photographers/Filmmakers?

The CFC has a network of film liaisons throughout the State, whose purpose it is to streamline the permit process whenever possible. The CFC also provides a model ordinance as an example of a simplified permit process, available to every city and county jurisdiction in the State. Visit www.cinemascout.com for further information.

CHAPTER VI - FEDERAL PERMITS

- Department of Agriculture – USDA Forest Service
- United States Army Corps of Engineers
- United States Department of Interior – Bureau of Land Management

UNITED STATES DEPARTMENT OF AGRICULTURE

USDA Forest Service Permit

I. Who needs a Forest Service Permit?

Virtually all development activity on, or requiring access over, or through lands under the management of the USDA Forest Service (FS), will require one or more "Use" or Authorization Permits issued by the Forest Service. Timber harvesting, mining, and grazing are singled out for "Specific Use" program permits. All other uses are considered "Special Use" and are generally subject to the Rules and Regulations specified in 36 CFR Part 251.50-251.64 exclusive.

Grazing and Livestock Use (36 CFR, Part 222) - All grazing and livestock use on National Forest System Lands and on other lands under Forest Service control must be authorized by a Grazing or Livestock Use Permit.

The Code of Federal Regulations (CFR) sets the rules under which livestock operations will be conducted in order to meet the multiple-use, sustained yield, economic, and other needs and objectives for the lands involved. Allotment Management Plans prescribe the manner in and extent to which these operations will be carried out on a site-specific basis. Grazing and livestock use permits convey no right, title, or interest held by the United States in any lands or resources.

Sale and Disposal of Timber (36 CFR, Part 223) - Trees, portions of trees, and other forest products on National Forest System lands may be disposed of for commercial or administrative use by sale or without a charge, as may be most advantageous to the United States. Most of the wood products disposed of by administrative use are in the form of personal fuel wood permits to individuals and families for home use and are subject to a maximum quantity set on each National Forest.

The Forest Service will insure that each permit for timber is consistent with applicable land and resource management plans and environmental quality standards. The key factors include:

- Fire protection and suppression.
- Minimizing additional soil erosion.
- Insuring favorable conditions of water flow and quality.
- Protection of residual timber.
- Regeneration of timber.

The Code of Federal Regulations prescribes the manner in and extent to which timber sales and uses will be conducted and specifies the conditions of the sale or use and/or cancellation of it.

Mineral Exploration and Mining and Leasing Activities (36 CFR Part 228) - Title 36, Section 228 of the Code of Federal Regulations sets the rules and procedures through which the surface of National Forest System Lands may be used in conjunction with operations authorized by the United States Mining and Mineral leasing laws, and the sale of mineral materials. For information regarding hard rock mineral leasing on National Forest System administered lands refer to 43 CFR 3500.

The minerals authorities are grouped into three broad categories: locatable, salable, and leasable. Locatable minerals are those like gold, silver, copper, and certain other minerals of rare occurrence or specialized value that are available for exploration and development by mining claims under the Mining Law of 1872. Salable minerals are the common varieties of sand, gravel, stone, and cinders and other minerals of widespread occurrence, which are available under a contract sale or permit from the Forest Service. The leasable minerals are oil and gas, geothermal steam, potash, phosphate, sodium, and similar

minerals, and are available through a lease from the United States Department of the Interior. The Forest Service regulates the surface uses associated with these leases.

The procedural requirements generally provide that a Notice or Plan be filed with the Forest Service District Ranger (District Ranger) by any person proposing to conduct operations which might cause disturbance of the surface resources. For locatable (mining claim) operations, a Notice of Intent should include enough information about the proposed activity to allow the District Ranger to identify the area involved, the nature of the proposed operations, the route of access to the area and the method of transport. If the District Ranger determines that such operations will likely cause significant disturbance of surface resources, the operator will be required to submit a more detailed Plan of Operations, which must include:

- The name and legal mailing address of the operators (and claimants if they are not the operators) and their lessees, assigns, or designees.
- A map or sketch showing information sufficient to locate the proposed area of operations on the ground, existing or proposed access roads or access routes, and the approximate location and size of areas where surface resources will be disturbed.
- Information sufficient to describe the type of operations proposed and how they will be conducted.
- Description of the type and standard of the existing or proposed roads or access routes.
- Identification of the means of transportation to be used in connection with the operations.
- The period during which the activity will take place.
- The measures to be taken to meet the requirements for protection of air quality, water quality, scenic values, solid wastes, fisheries and wildlife habitat, roads and for reclamation of the site.

Proponents for operations under the salable minerals laws must submit an Operating Plan to the District Ranger for prior approval. The Operating Plan must include, as a minimum, a map and explanation of nature of the access, a description of the anticipated activity and surface disturbance, and the intended reclamation including the removal or retention of structures and facilities.

Activities on the National Forests for the exploration and development of leases from the Department of the Interior must be initiated with the Department of Interior. The Forest Supervisor will review proposed operating plans from the USDI, and shall advise the USDI of the terms and conditions required for the protection of surface resources. The Forest Supervisor will also monitor those approved operations for compliance with stipulations.

All uses of National Forest System land, improvements, and resources, except those provided for in Sections 222, 223, and 228, are designated "Special Uses," and must be authorized by an authorizing officer.

Recreation Special Uses (36 CFR 251.50) - Recreation special use authorizations are issued to private parties, groups, other public agencies, public and private institutions, and private business that provide accommodations and services on NFS land. The kinds of recreation activities requiring permits generally fall into one of three categories:

- Private uses, such as recreation residences (in this category, permits are not required for non-commercial use or occupancy of the national forests for camping, picnicking, hiking, fishing, hunting, horse riding, boating or similar recreational activities.
- Semi public non-commercial services, such as fishing tournaments, and other group events.
- Commercial services provided for the benefit of the general public.

II. Where should the Applicant Inquire?

The applicant should direct any inquiries and/or permit applications to the appropriate Forest Service Office.

Angeles National Forest
Supervisor's Office
701 North Santa Anita Avenue
Arcadia, CA 91006
(626) 574-1613

Cleveland National Forest
Supervisor's Office
10845 Rancho Bernardo Road, Suite 200
San Diego, CA 92127-2107
(858) 674-2901

El Dorado National Forest
Supervisor's Office
100 Forni Road
Placerville, CA 95667
(530) 622-5061

Inyo National Forest
Supervisor's Office
873 North Main Street
Bishop, CA 93514
(760) 873-2400

Klamath National Forest
Supervisor's Office
1312 Fairlane Road
Yreka, CA 96097
(530) 842-6131

Lake Tahoe Basin Mgmt. Unit
870 Emerald Bay Road, Suite 1
South Lake Tahoe, CA 96150
(530) 573-2600

Lassen National Forest
Supervisor's Office
2550 Riverside Drive
Susanville, CA 96130
(530) 257-2151

Los Padres National Forest
Supervisor's Office
6144 Calle Real
Goleta, CA 93117
(805) 683-6711

Mendocino National Forest
Supervisor's Office
875 N. Humbolt Street
Willows, CA 95988
(530) 934-3316

Modoc National Forest
Supervisor's Office
800 West 12th Street
Alturas, CA 96101
(530) 233-5811

Plumas National Forest
Supervisor's Office
159 Lawrence Street, Box 11500
Quincy, CA 95971
(530) 283-2050

San Bernardino National Forest
Supervisor's Office
1824 South Commerce Center Circle
San Bernardino, CA 92408-3430
(909) 884-6634

Sequoia National Forest
Supervisor's Office
900 West Grand Avenue
Porterville, CA 93257-2035
(559) 784-1500

Shasta-Trinity National Forest
Supervisor's Office
2400 Washington Avenue
Redding, CA 96001
(530) 244-2978

Sierra National Forest
Supervisor's Office
1600 Tollhouse Road
Clovis, CA 93611-0532
(559) 297-0706

Six Rivers National Forest
Supervisor's Office
1330 Bayshore Way Street
Eureka, CA 95501
(707) 442-1721

Stanislaus National Forest Supervisor's Office 19777 Greenley Road Sonora, CA 95370 (209) 532-3671	**Tahoe National Forest** Supervisor's Office Highway 49 & Coyote Streets Nevada City, CA 95959-6003 (530) 265-4531

Table 22: Forest Service Offices

III. What other Sources of Information are Available to the Applicant?

Applicants may refer to 36 *Code of Federal Regulations,* Parts 222 et seq. for further information.

UNITED STATES ARMY CORPS OF ENGINEERS

Department of the Army Section "404" Permit

I. Who needs a "404" Permit?

Any person or public agency proposing to locate a structure, excavate, or discharge dredged or fill material into waters of the United States or to transport dredged material for the purpose of dumping it into ocean waters must obtain a Corps' permit.

The Army Corps permit authority is derived from the Federal Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act. These Acts give the Army Corps jurisdiction over all waters of the United States including, but are not limited to, perennial and intermittent streams, lakes, ponds, as well as wetlands in marshes, wet meadows, and side hill seeps.

II. Where should the Applicant Apply?

Permit applications are directed to the appropriate District Office of the Corps of Engineers.

III. What Information should the Applicant Provide upon Application?

The applicant should submit ENG Form 4345, "Application for a Department of the Army Permit," which requests the following information:

- A detailed description of the proposed activity, including the purpose, use, type of structures, type of vessels that will use the facility, facilities for handling wastes, the type, composition and quantity of dredged or fill material, and location of the disposal site.
- Names and addresses of adjoining property owners, others on the opposite side of streams or lakes, or those whose property fronts on a cove and who may have a direct interest because they could be affected by the project.
- Complete information about the location, including street number, tax assessor's description, political jurisdiction, and name of waterway in enough detail so that the site can be easily located during a field visit.
- A list of the status of all approvals and certifications required by federal, state, and local governmental agencies.
- An explanation of any approvals or certifications denied by other governmental agencies.
- Names and addresses of the applicant and the authorized agent (if any), and dates on which the project will begin and end. The applicant must also submit one set of 8-1/2" X 11" original drawings or good copies which show the location and character of the proposed activity, including:
  - ? A vicinity map with the name of the waterway, location of the activity, political boundaries, roads, graphic scale, and a north arrow.
  - ? A plan view showing tidal waters, existing shorelines, water depths, principal dimensions of any proposed structures, volume and type of fill, and identification of any wetlands, swamps, bogs, and marshes.
- An elevation or section view of the proposed project.

IV. What Application Fee should the Applicant Submit?

The applicant must pay a fee of $100 for commercial or industrial projects and $10 for noncommercial projects. There is no fee for public entity applicants. There is no fee if the applicant withdraws the application or if the application is denied. The application fee is not submitted until the Corps forwards a draft permit to the applicant for signature. The fee is returned with the signed draft permit.

V. How does the Corps of Engineers Evaluate and Process the Application?

Criteria for Evaluation: The decision whether to grant or deny a permit is based on a public interest review of the probable impacts of the proposed activity and its intended use. Benefits and detriments are balanced by considering effects on such items as: conservation, economics, wetlands, fish and wildlife values, flood hazards, navigation, water quality and the needs and welfare of the people. In addition, projects involving discharge of dredge or fill material into the waters of the United States must comply with the Section 404(b)(1) guidelines prepared by the Environmental Protection Agency. The guidelines restrict discharges into aquatic areas when there are less environmentally damaging, practicable alternatives. Reasonable and practicable mitigation of unavoidable impacts will be required. A permit will be granted unless the project is found to be contrary to the public interest or fails to comply with the guidelines. The Corps of Engineers is required by federal law to consult with state and federal wildlife agencies regarding any impacts of a project on aquatic habitats and on federal endangered species.

Procedures: The Corps acknowledges and processes each application in the order it receives them. If the application is incomplete, the Corps requests additional information. It notifies the applicant when applications are complete.

The Corps informs government agencies, individuals, and special interest groups of most projects by circulating a public notice for 30 days. If the Corps receives no objections to the proposed project, the District Engineer may issue the permit within 30 to 90 days. If individuals, public agencies, special interest groups, or the Corps raises major objections, the permit decision will usually be made in 90-120 days. If the project results in significant environmental effects, the Corps may prepare an Environmental Impact Statement (EIS) required by the National Environmental Policy Act. If a project requires an EIS, the Corps will hold public hearings to gather additional information and identify significant issues. The permit review process may take a year or more when an EIS is needed. If the project involves a discharge of dredged or fill material or excavation in “waters”, including wetlands, then Water Quality Certification is required from the Regional Water Quality Control Board with jurisdiction in the project area. This is known as a "401 Water Quality Certification."

After the Corps completes its review of a project and determines that a project is in the public interest and complies with the guidelines, the applicant must sign and return the draft permit with the appropriate fee.

Appeals: The Corps of Engineers has an administrative appeals process for permit denials, declined individual permits, and jurisdictional determinations. The applicant or the landowner to the South Pacific Division Engineer can appeal these decisions. Appeal procedures are provided with these decisions. The applicant may modify the original project design to remove objectionable features and reapply to the Corps.

Web Sites: Each Corps district has a web site, which contains information about applying for, permits, points of contact, regulations, and other helpful information. These web sites are:

- Sacramento District: www.spk.usace.army.mil/cespk-co/regulatory/
- San Francisco District: www.spn.usace.army.mil/regulatory/
- Los Angeles District: www.spl.usace.army.mil/co/co5.html

VI. What are the Applicant's Rights and Responsibilities after the Permit Is Granted?

Rights: The applicant may make minor changes to the project with the Corps' permission.

Responsibilities: The permit holder must follow the terms and conditions listed in the permit. Violations may result in civil and criminal court action and removal of structures and materials.

VII. What are the Corps' Rights and Responsibilities after the Permit Is Granted?

Rights: The Corps of Engineers may inspect the project to determine whether the applicant has followed all permit conditions.

Responsibilities: The Corps must protect the quality of our nation's water resources, maintain water quality by protecting the waters of the United States from significant degradation resulting from the discharge of dredged or fill material, protect unreasonable alteration or obstruction of navigable waters of the United States, and control dumping of dredged material into ocean waters.

VIII. What other Agencies should the Applicant Contact?

An applicant should consider if the agencies listed below must issue permits, certify, or approve the project:

A. Local - City, county, or special district

B. State - Coastal Commission
Department of Fish and Game
Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission
State Energy Commission
State Lands Commission
Tahoe Regional Planning Agency
The Reclamation Board

C. Federal - United States Bureau of Reclamation
United States Coast Guard
United States Environmental Protection Agency
United States Fish and Wildlife Service
National Marine Fisheries Services

IX. What other Sources of Information are Available to the Applicant?

Applicants may refer to the following publications for further information:

- U.S. Army Corps of Engineers Regulatory Program: Applicant Information, EP 1145-2-1, May 1985
- 33 Code of Federal Regulations, Parts 320-330
- 40 Code of Federal Regulations, Part 230
- Clean Water Act, Section 404
- Marine Protection, Research and Sanctuaries Act, Section 103
- River and Harbor Act of 1899, Section 10.

These publications are available at the Corps' District Offices and county law libraries.

Los Angeles District
Corps of Engineers
300 North Los Angeles Street
Los Angeles, CA 90012
(213) 894-5606

Sacramento District
Corps of Engineers
1325 J Street
Sacramento, CA 95814
(916) 557-5250

San Francisco District
Corps of Engineers
211 Main Street
San Francisco, CA 94105-1905
(415) 744-3036

Table 23: U.S. Army Corp of Engineers District Offices

UNITED STATES DEPARTMENT OF INTERIOR

Bureau of Land Management (BLM)

Virtually all development on or requiring access across lands under the management of the Bureau of Land Management (BLM) will require one or more "use" or authorization permits issued by the BLM.

Minerals Program

Locatable Minerals - When locating a mining claim on any open federal lands (BLM/Forest Service) in California, the location notice must be recorded within 90 days with the BLM at 2800 Cottage Way, Sacramento, CA 95825. (43 CFR 3833).

Any mining claims located on lands withdrawn or reserved for poser development when recorded with the BLM must be marked Public Law (or PL) 359. (43 CFR 3730).

For mining claims, either a maintenance fee of $100 per claim or a maintenance fee payment waiver certification is due August 31 of each year to the BLM address above. The maintenance fee or waiver is a filing made in advance for the upcoming assessment year beginning September 1. Only claimants holding ten or fewer claims may apply for a waiver. Proof of annual assessment work must be recorded by December 30 with BLM. (43 CFR 3833). Please check with BLM for a fee schedule for recording documents.

Surface disturbing activities require the submission of a "plan" or "notice" to BLM or Forest Service for their review and action. (43 CFR 3802 or 3809, or 30 CFR 228).

Leasable Minerals - Coal, phosphate, sodium compounds, potash (potassium) compounds on public lands or "hardrock" minerals on acquired lands are available by lease. Subsequent operations require an approved plan, permit, or notice. (43 CFR 3400 & 3500)

Salable Minerals - Sand, gravel, fill, decorative stone, and construction aggregate are permitted for fair market value under contract from BLM (43 CFR 3600). Municipalities and non-profit organizations may receive those materials for free.

Oil and Gas - Onshore oil and gas leases may be obtained through oral competitive bidding. Parcels not receiving bids may be purchased non-competitively. Applications for oil and gas leases must be filed with the BLM Office in Sacramento. Subsequent activities require a plan, permit, or notice. (43 CFR 3100). Seismic prospecting may be initiated without a lease under 43 CFR 3100, but an approved permit is required.

Geothermal - Lands not within a “Known Geothermal Resource Area” (KGRA) are open to noncompetitive leasing. Lands within a KGRA are leased competitively. (43 CFR 3200).

Proposals for initial exploration activities on unleased BLM lands are submitted to BLM for review and action (43 CFR 3209). Proposals for exploration and development on leases are also submitted to BLM for review and action. (43 CFR 3250 & 3260).

Forestry Program

Timber Resources - A contract is required for removal of timber and other vegetation resources for commercial or domestic use. Timber includes saw timber, fuel wood, poles, posts, and any standing trees, down trees and logs capable of being measured in board feet. Other vegetative resources include Christmas trees, cones, boughs, Manzanita, moss, and many other unspecified products all of which are salable.

Road Construction and/or Hauling **-** New road construction or commercial hauling of private timber across BLM land requires a right-of-way grant from BLM, and should be secured from the closest BLM office.

Lands Program

Uses and projects requiring right-of-way grants or temporary use permits include access roads, utility lines, communication sites, or any other uses that involves the placement of either temporary or permanent improvements upon BLM lands. In addition, any activity that involves physical disturbance to the land or vegetation requires a permit, i.e., brush removal or test hole drilling. A lease may also authorize other long-term occupancy or use of BLM land. Applications must be filed with the local BLM office.

Range

The use of BLM lands for grazing of any livestock requires a grazing permit or lease.

Where Should the Applicant Inquire?

BLM operates a website which can be viewed at the following address:

http://www.ca.blm.gov

Applicants may also want to visit the following BLM offices:

Main Office
U.S. Department of the Interior, Bureau of Land Management
California State Office
2800 Cottage Way-W1834
Sacramento, CA 95825
(916) 978-4400
State Director, Ed Hastey

Field Offices

Alturas Field Office
708 W 12th Street
Alturas, CA 96101
(530) 233-4666
Timothy Burke, Field Manager.

Arcata Field Office
1695 Heindon Road
Arcata, CA 95521-4573
(707) 825-2300
Lynda Roush, Field Manager

Bakersfield Field Office
3801 Pegasus Ave.
Bakersfield, CA 93308
(805) 391-6000
Ron Fellows, Field Manager

Bishop Field Office
785 North Main St., Suite E
Bishop, CA 93514
(760) 872-4881
Steve Addington, Field Manager

Ukiah Field Office
2550 N. State Street
Ukiah, CA 95482
(707) 468-4000
Rich Burns, Field Manager

Eagle Lake Field Office
2950 Riverside Drive
Susanville, CA 96130
(530) 257-0456
Linda Hanson, Field Manager

Folsom Field Office
63 Natoma Street
Folsom, CA 95630
(916) 985-4474
Deane Swickard, Field Manager

Redding Field Office
355 Hemsted Drive
Redding, CA 96002
(530) 224-2100
Chuck Schultz, Field Manager

California Desert Office
6221 Box Spring Boulevard
Riverside, CA 92507
(909) 697-5200
Tim Salt, District Mgr

El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243
(760) 337-4400
Greg Thomsen, Field Manager

Palm Springs-South Coast Field Office
690 W. Garnet Avenue
North Palm Springs, CA 92258
(760) 384-5400
Hector Villalobos, Field Manager

Hollister Field Office
20 Hamilton Court
Hollister, CA 95023
(831) 630-5000
Bob Beehler, Field Manager

Surprise Field Office
P. O. Box 460
602 Cressler Street
Cedarville, CA 96104
(530) 279-6101
Susie Stokke, Field Manager

Barstow Field Office
2601 Barstow Road
Barstow, CA 92311
(716) 252-6000
Tim Read, Field Manager

Needles Field Office
101 West Spikes Road
Needles, CA 92363
(760) 328-7000
Molly Brady, Field Manager

Table 24: BLM Offices

APPENDIX A Permit Streamlining Act

Chapter 4.5. Review and Approval of Development Projects

Article 1. General Provisions

65920. Notwithstanding any other provision of law, the provisions of this chapter shall apply to all public agencies to the extent specified in this chapter, except that the time limits specified in Division 2 (commencing with Section 66410) of Title 7 shall not be extended by operation of this chapter. *(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982.)*

65921. The Legislature finds and declares that there is a statewide needs to ensure clear understanding of the specific requirements that must be met in connection with the approval of development projects and to expedite decisions on such projects. Consequently, the provisions of this chapter shall be applicable to all public agencies, including charter cities. *(Added by Stats. 1977, Ch. 1200.)*

65922. The provisions of this chapter shall not apply to the following: (a) Activities of the State Energy Resources Development and Conservation Commission established pursuant to Division 15 (commencing with Section 25000) of the Public Resources Code. (b) Administrative appeals within a state or local agency or to a state or local agency. *(Amended by Stats. 1982, Ch. 87. Effective March 1, 1982.)*

65922.1. During a year declared by the State Water Resources Control Board or the Department of Water Resources to be a critically dry year, or during a drought emergency declared by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2, the time limits established by this chapter shall not apply to applications to appropriate water pursuant to Part 2 (commencing with Section 1200) of Division 2 of, to petitions for change pursuant to Chapter 10 (commencing with Section 1700) of Part 2 of Division 2 of, or to petitions for certification pursuant to Section 13160 of, the Water Code for projects involving the diversion or use of water. *(Added by Stats. 1991, Ch. 12 of extraordinary session. Effective October 9, 1991.)*

65922.3. The Office of Permit Assistance is hereby created in the Office of Planning and Research. The office succeeds to, and is vested with, all of the duties, purposes, and responsibilities required to be performed by the Office of Planning and Research pursuant to former Article 6 (commencing with Section 65050) of Chapter 1.5 of Division 1 of Title 7 of the Government Code. The office shall develop guidelines to provide technical assistance to counties and cities in establishing and operating an expedited development permit process. The guidelines shall include, but not be limited to; all of the following elements of a local permit process:(a) A central contact point with a public agency where all permit applications can be filed and information on all permit requirements can be obtained. (b) A referral process to (1) refer the applicant to the appropriate functional area for resolution of problems and fulfillment of requirements, (2) refer the applicant to cities within the county in whose sphere of influence the proposed project lies for review, comment, or imposition of condition permits, (3) assign an individual from the local government to be responsible for guiding the application through all local permit bodies, or (4) include any combination of the above. (c) A master permit document which covers permits for all functional areas and which could be used for obtaining the approvals of the various functional areas. (d) A method of tracking progress on various permits applications, which may include identifying a staff person responsible for monitoring permits. (e) A determination as to completeness of the master permit document upon its submission and a written statement of specific information that is missing, if any. (f) Timetables for action on individual permits. (g) An expedited appeal process to assure fair treatment to the applicant using existing agencies, staffs, commissions or boards, where possible. (h) A variety of administrative mechanisms that will describe the least costly approaches for implementation in a variety of local circumstances. In developing the guidelines, local variations in population rate of

growth, types of proposed development projects, geography and differences in local government structure shall be recognized. *(Added by Stats. 1983, Ch. 1263.)*

65922.5. The guidelines established by the Office of Permit Assistance pursuant to Section 65922.3 shall be advisory in nature and in no way shall they constitute a mandate upon cities and counties to take any of the actions contained therein. *(Added by Stats. 1983, Ch. 1263.)*

65922.7. Subject to the availability of funds appropriated therefore, the Office of Permit Assistance shall provide technical assistance and grants-in-aid to assist counties and cities in establishing an expedited permit process pursuant to Section 65922.3. Any city or county receiving such a grant shall enact an expedited permit process within 10 months of the date of receipt. Nothing in this section or Section 65922.3 shall in any way preclude a county or city from establishing an expedited permit process pursuant to a procedure established solely by that county or city. If the office has adopted guidelines pursuant to Section 65922.3 and a county or city has established an expedited permit process pursuant to its own procedures, in all cases the process established by the city or county shall prevail over conflicting provisions of the guidelines. *(Added by Stats. 1983, Ch. 1263.)*

65923. The Office of Permit Assistance shall provide information to developers explaining the permit approval process at the state and local level. The office shall ensure that all state agencies comply with applicable requirements of this chapter. *(Amended by Stats. 1983, Ch. 1263.)*

65923.5. (a) The Office of Permit Assistance may call a conference of parties to resolve questions or mediate disputes arising from permit applications on any proposed development project. (b) The office shall assist state and local agencies in an attempt to streamline the permit approval process at the state and local level. (c) The office shall provide information to developers to assist them in meeting the requirements of the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code. *(Amended by Stats. 1983, Ch. 1263.)*

65923.8. Any state agency, which is the lead agency for a development project, shall inform the applicant for a permit that the Office of Permit Assistance has been created in the Office of Planning and Research to assist, and provide information to, developers relating to the permit approval process. *(Added by Stats. 1983, Ch. 1263.)*

65924. With respect to any development project an application for which has been accepted as complete prior to January 1, 1978, the deadlines specified in Sections 65950 and 65952 shall be measured from January 1, 1978. With respect to such application received prior to January 1, 1978, but not determined to be complete as of that date, a determination that the application is complete or incomplete shall be made not later than 60 days after the effective date of the act amending this section in 1978. *(Amended by Stats. 1978, Ch. 1113. Effective September 26, 1978.)*

Article 2. Definitions

65925. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter. *(Added by Stats. 1977, Ch. 1200.)*

65926. "Air pollution control district" means any district created or continued in existence pursuant to the provisions of Part 3 (commencing with Section 40000) of Division 26 of the Health and Safety Code. *(Added by Stats. 1977, Ch. 1200.)*

65927. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density of intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private,

public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. Nothing in this section shall be construed to subject the approval or disapproval of final subdivision maps to the provisions of this chapter. "Development" does not mean a "change of organization", as defined in Section 56021, or "reorganization", as defined in Section 56073. *(Amended by Stats. 1978, Ch. 1113. Effective September 26, 1978; Amended by Stats. 1986, Ch. 688.)*

65928. "Development project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any ministerial projects proposed to be carried out or approved by public agencies. *(Amended by Stats. 1978, Ch. 1113. Effective September 26, 1978.)*

65928.5. "Geothermal field development project" means a development project as defined in Section 65928 which is composed of geothermal wells, resource transportation lines, production equipment, roads, and other facilities which are necessary to supply geothermal energy to any particular heat utilization equipment for its productive life, all within an area delineated by the applicant. *(Added by Stats. 1978, Ch. 1271.)*

65929. "Lead agency" means the public agency, which has the principal responsibility for carrying out or approving a project. *(Added by Stats. 1977, Ch. 1200.)*

65930. "Local agency" means any public agency other than a state agency. For purposes of this chapter, a redevelopment agency is a local agency and is not a state agency. *(Amended by Stats. 1978, Ch. 1113. Effective September 26, 1978.)*

65931. "Project" means any activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. *(Added by Stats. 1977, Ch. 1200.)*

65932. "Public agency" means any state agency, any county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision. *(Added by Stats. 1977, Ch. 1200.)*

65933. "Responsible agency" means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project. *(Added by Stats. 1977, Ch. 1200.)*

65934. "State agency" means any agency, board, or commission of state government. For all purposes of this chapter, the term "state agency" shall include an air pollution control district. (Added by Stats. 1977, Ch. 1200.)

Article 3. Applications for Development Projects

65940. Each state agency and each local agency shall compile one or more lists which shall specify in detail the information which will be required from any applicant for a development project. Each local agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information. *(Amended by Stats. 1982, Ch. 84; Amended by Stats. 1986, Ch. 1048 and Ch. 1019; Amended by Stats. 1987, Ch. 985.)* Note: SEC. 2. 65940. (Section 65940 of the Government Code, as added by Section 2 of Chapter 84 of the Statutes of 1982, is repealed by Stats. 1986, Ch. 1048 and Ch. 1019.)

65940.5. (a) No list compiled pursuant to Section 65940 shall include a waiver of the time periods prescribed by this chapter within which a state or local agency shall act upon an application for a development project. (b) No application shall be deemed incomplete for lack of a waiver of time periods

prescribed by this chapter within which a state or local government agency shall act upon the application. *(Added by Stats. 1986, Ch. 396.)*

65941. The information compiled pursuant to Section 65940 shall also indicate the criteria, which such agency will apply in order to determine the completeness of any application submitted to it for a development project. In the event that a public agency is a lead agency for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code, such criteria shall not require the applicant to submit the informational equivalent of an environmental impact report as part of a complete application; provided, however, that such criteria may require sufficient information to permit the agency to make the determination required by Section 21080.1 of the Public Resources Code. *(Amended by Stats. 1978, Ch. 1113. Effective September 26, 1978.)*

65941.5. Each public agency shall notify applicants for development permits of the time limits established for the review and approval of development permits pursuant to Article 3 (commencing with Section 65940) and Article 5(commencing with Section 65950), of the requirements of subdivision (e) of Section 65962.5, and of the public notice distribution requirements under applicable provisions of law. The public agency shall also notify applicants regarding the provisions of Section 65961. The public agency may charge applicants a reasonable fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit. *(Added by Stats. 1983, Ch. 1263; Amended by Stats. 1987, Ch. 985.)*

65942. The information and the criteria specified in Sections 65940, 65941, 65941.5 shall be revised as needed so that they shall be current and accurate at all times. Any revisions shall apply prospectively only and shall not be a basis for determining that an application is not complete pursuant to Section 65943 if the application was received before the revision is effective except for revisions for the following reasons resulting from the conditions which were not known and could not have been known by the public agency at the time the application was received: (a) To provide sufficient information to permit the public agency to make the determination required by Section 21000.1 of the Public Resources Code, as provided by Section 65941. (b) To comply with the enactment of new or revised federal, state, or local requirements, except for new or revised requirements of a local agency which is also the lead agency. *(Amended by Stats. 1983, Ch. 1263; Amended by Stats. 1987, Ch. 802 and Ch. 803.)*

65943. (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.
(b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter. (c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both. There shall be a final written determination by the agency on the

appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter. (d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section. (e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit. *(Amended by Stats. 1979, Ch. 1207. Effective October 2, 1979; Amended by Stats. 1984, Ch. 1723. Operative July 1, 1985; Amended by Stats. 1987, Ch. 985; Amended by Stats. 1989, Ch. 612.)*

65943. *(Added by Stats. 1987, Ch. 985; Repealed by Stats. 1989, Ch. 612.)*

65944. (a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information that was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.
(b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information, which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.
(c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. *(Amended by Stats. 1982, Ch. 84.)*

65945. (a) At the time of filing an application for a development permit with a city or county, the city or county shall inform the applicant that he or she may make a written request to receive notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances: (1) A general plan. (2) A specific plan. (3) A zoning ordinance. (4) An ordinance affecting building permits or grading permits. The applicant shall specify, in the written request, the types of proposed action for which notice is requested. Prior to taking any of those actions, the city or county shall give notice to any applicant who has requested notice of the type of action proposed and whose development project is pending before the city or county if the city or county determines that the proposal is reasonably related to the applicant's request for the development permit. Notice shall be given only for those types of actions, which the applicant specifies in the request for notification. The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this subdivision, the fee shall be collected as part of the application fee charged for the development permit. (b) As an alternative to the notification procedure prescribed by subdivision (a), a city or county may inform the applicant at the time of filing an application for a development permit that he or she may subscribe to a periodically updated notice or set of notices from the city or county which lists pending proposals to adopt or amend any of the plans or ordinances specified in subdivision (a), together with the status of the proposal and the date of any hearings thereon which have been set.Only those proposals which are general, as opposed to parcel-specific in nature, and which the city or county determines are reasonably related to requests for development permits, need be listed in the notice. No proposals shall be required to be listed until such time as the first public hearing thereon has been set. The notice shall be updated and mailed at least once every six weeks except that a notice need not be updated and mailed until a change in its contents is required. The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that

notice, including the costs of updating the notice, for the length of time the applicant requests to be sent the notice or notices. *(Added by Stats. 1983, Ch. 1263.)*

65945.3. At the time of filing an application for a development permit with a local agency, other than a city or county, the local agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a rule or regulation affecting the issuance of development permits. Prior to adopting or amending any such rule or regulation, the local agency shall give notice to any applicant who has requested such notice and whose development project is pending before the agency if the local agency determines that the proposal is reasonably related to the applicant's request for the development permit. The local agency may charge the applicant for a development permit, to whom notice is provided pursuant to this section, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit. *(Added by Stats. 1983, Ch. 1263.)*

65945.5. At the time of filing an application for a development permit with a state agency, the state agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a regulation affecting the issuance of development permits and which implements a statutory provision. Prior to adopting or amending any such regulation, the state agency shall give notice to any applicant who has requested such notice and whose development project is pending before the state agency if the state agency determines that the proposal is reasonably related to the applicant's request for the development permit. *(Added by Stats. 1983, Ch. 1263.)*

65945.7. No action, inaction, or recommendation regarding any ordinance, rule, or 65945.3, or 65945.5 by any legislative body, administrative body, or the officials of any state or local agency shall be held void or invalid or be set aside by any court on the ground of any error, irregularity, informality, neglect or omission (hereinafter called "error") as to any matter pertaining to notices, records, determinations, publications or any matters of procedure whatever, unless after an examination of the entire case, including evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown. *(Added by Stats. 1983, Ch. 1263.)*

65946. (a) The Office of Planning and Research shall develop a consolidated project information form to be used by applicants for development projects. This form shall provide for sufficient information to allow state agencies to determine whether or not the project will be subject to the requirement for a permit from the agency. (b) Applicants for development projects may submit the form provided by subdivision (a) to the Office of Planning and Research for distribution to state agencies, which have permit responsibilities for development projects. The Office of Planning and Research shall send copies of the form to such agencies within three days of receipt. (c) Within 30 days of receipt of the form, each agency shall notify the Office of Planning and Research in writing whether or not a permit from that agency may be required and it shall send the Office of Planning and Research the appropriate permit application forms. (d) Within 15 days of receipt of the completed form from such agencies, the Office of Planning and Research shall notify the applicant for a development project in writing of any permits required for the project specified, and it shall send the applicant the appropriate permit application forms received from the state agencies. (e) The Office of Planning and Research may charge an applicant for a development project a fee not to exceed the estimated reasonable cost of providing the services performed pursuant to this section. Before levying or changing a fee, the Office of Planning and Research shall adopt or amend regulations pursuant to the Administrative Procedures Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. The Office of Planning and Research shall make available to the public upon request data indicating the amount of cost, or estimated cost, required to provide the service and the revenue sources anticipated to provide the service, including general or special fund revenues. *(Added by Stats. 1983, Ch. 827.)*

Article 5. Approval of Development Permits

65950. (a) Any public agency which is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable: (1) One hundred eighty days from the date of the certification by the lead agency of the environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project. (2) Sixty-days from the determination by the lead agency of the negative declaration if a negative declaration is completed and adopted for the development project. (3) Sixty-days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) if the project is exempt from the California Environmental Quality Act. (b) Nothing in this section precludes a project applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section. (c) For purposed of the section, "lead agency" and "negative declaration" shall have the same meaning as those terms are defined in Sections 21067 and 21064 of the Public Resources Code, respectively. *(Amended by Stats. 1983. Operative January 1, 1990; Amended by Stats. 1996, Ch. 808.)*

65950.1. Notwithstanding Section 65950, if there has been an extension of time pursuant to Section 21100.2 or 21151.5 of the Public Resources Code to complete and certify the environmental impact report, the lead agency shall approve or disapprove the project within 90 days after certification of the environmental impact report. *(Added by Stats. 1983, Ch. 1240.)*

65951. In the event that a combined environmental impact report-environmental impact statement is being prepared on a development project pursuant to Section 21083.6 of the Public Resources Code, a lead agency may waive the time limits established in Section 65950. In any event, such lead agency shall approve or disapprove such project within 60 days after the combined environmental impact report-environmental impact statement has been completed and adopted. *(Added by Stats. 1977, Ch. 1200.)*

65952. (a) Any public agency which is a responsible agency for a development project that has been approved by the lead agency shall approve or disapprove the development project within whichever of the following periods of time is longer: (1) Within 180 days from the date on which the lead agency has approved the project. (2) Within 180 days of the date on which the completed application for the development project has been received and accepted as complete by that responsible agency. (b) At the time a decision by a lead agency to disapprove a development project becomes final, applications for that project which are filed with responsible agencies shall be deemed withdrawn. *(Added by Stats. 1977, Ch. 1200; Amended by Stats. 1988, Ch. 1187.)*

65952.1. (a) Except as otherwise provided in subdivision (b), where a development project consists of a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7), the time limits established by Sections 65950 and 65952 shall apply to the approval or disapproval of the tentative map, or the parcel map for which a tentative map is not required. (b) The time limits specified in Sections 66452.1, 66452.2, and 66463 for tentative maps and parcel maps for which a tentative map is not required, shall continue to apply and are not extended by the time limits specified in subdivision (a). *(Added by Stats. 1982, Ch. 87. Effective March 1, 1982; Amended by Stats. 1989, Ch. 847.)*

65953. All time limits specified in this article are maximum time limits for approving or disapproving development projects. All public agencies shall, if possible, approve or disapprove development projects in shorter periods of time. *(Added by Stats. 1977, Ch. 1200.)*

65954. The time limits established by this article shall not apply in the event that federal statutes or regulations require time schedules, which exceed such time limits. *(Added by Stats. 1977, Ch. 1200.)*

65955. The time limits established by this article shall not apply to applications to appropriate water where such applications have been protested pursuant to Chapter 4 (commencing with Section 1330) of Part 2 of Division 2 of the Water Code, or to petitions for changes pursuant to Chapter 10 (commencing

with Section 1700) of Part 2 of Division 2 of the Water Code. *(Amended by Stats. 1978, Ch. 1113. Effective September 26, 1978.)*

65956. (a) If any provision of law requires the lead agency or responsible agency to provide public notice of the development project or to hold a public hearing, or both, on the development project and the agency has not provided the public notice or held the hearing, or both, at least 60 days prior to the expiration of the time limits established by Sections 65950 and 65952, the applicant or his or her representative may file an action pursuant to Section 1085 of the Code of Civil Procedure to compel the agency to provide the public notice or hold the hearing, or both, and the court shall give the proceedings preference over all other civil actions or proceedings, except older matters of the same character. (b) In the event that a lead agency or a responsible agency fails to act to approve or to disapprove a development project within the time limits required by this article, the failure to act shall be deemed approval of the permit application for the development project. However, the permit shall be deemed approved only if the public notice required by law has occurred. If the applicant has provided seven days advance notice to the permitting agency of the intent to provide public notice, then no earlier than 60 days from the expiration of the time limits established by Sections 65950 and 65952, an applicant may provide the required public notice using the distribution information provided pursuant to Section 65941.5. If the applicant chooses to provide public notice, that notice shall include a description of the proposed development substantially similar to the descriptions which are commonly used in public notices by the permitting agency, the location of the proposed development, the permit application number, the name and address of the permitting agency, and a statement that the project shall be deemed approved if the permitting agency has not acted within 60 days. If the applicant has provided the public notice required by this section, the time limit for action by the permitting agency shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the permitting agency shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose. (c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, may constitute grounds for disapproving a development project. (d) Nothing in this section shall diminish the permitting agency's legal responsibility to provide, where applicable, public notice and hearing before acting on a permit application. *(Amended by Stats. 1982, Ch. 460; Stats. 1987, Ch. 985.)*

65957. The time limits established by Sections 65950, 65950.1, and 65952 may be extended once for a period not to exceed 90 days upon consent of the public agency and the applicant. *(Amended by Stats. 1983, Ch. 1240.)*

65957.1. In the event that a development project requires more than one approval by a public agency, such agency may establish time limits (1) for submitting the information required in connection with each separate request for approval and (2) for acting upon each such request; provided, however, that the time period for acting on all such requests shall not, in aggregate, exceed those limits specified in Sections 65950 and 65952. *(Added by Stats. 1978, Ch. 1113.)*

65958. Renumbered to 66009 by Stats. 1988, Ch. 968.

65959. Renumbered to 66005 by Stats. 1988, Ch. 418.

APPENDIX B A Directory of Selected Federal Land-Use programs Endangered Species Act

Wetlands and Clean Water Act

Wild and Scenic Rivers

Clean Air Act

Floodplains

Historic Preservation

Surface Mining Control and Reclamation Act

Coastal Zone Management Act

Federal Land Policy and Management Act (Public Lands)

Resource Conservation and Recovery Act (Hazardous Waste)

Aviation Safety and Noise Abatement Act

A Directory of Selected Federal Land-Use programs Endangered Species Act

The following list of federal programs and statutes is limited to those with land-use components that are important for local planning. This directory provides a brief account of each program as it is currently constituted, describes the implications for local land-use decisions, and outlines major enforcement provisions as they affect local governments. There is also information about which agency is the lead agency for implementing the regulations.

Endangered Species Act

The Endangered Species Act, as amended (ESA), provides for the conservation of ecosystems upon which threatened species of fish, wildlife, and plants depend, both through federal action and by encouraging the establishment of state programs. The ESA: (1) authorizes the determination and listing of species as endangered and threatened, (2) prohibits unauthorized taking, possession, sale, and transport of endangered species, (3) provides authority to acquire land for the conservation of listed species, using land and water conservation funds, (4) authorizes establishment of cooperative agreements and grants-in-aid to states that establish and maintain active and adequate programs for endangered and threatened wildlife and plants, (5) authorizes the assessment of civil and criminal penalties for violating the Act or regulations, and (6) authorizes the payment of rewards to anyone furnishing information leading to arrest and conviction for any violation of the Act or any regulation issued there under. Contact the U.S. Fish and Wildlife Service, 911 NE 11th Ave., Portland, Oregon, 97232.

Wetlands and Clean Water Act

National wetlands policy emerges from a composite of statutes and regulatory agencies. Most significant are the requirements under the Clean Water Act (33 CFR 320-330), as enforced by the Army Corps of Engineers and the Environmental Protection Agency. Section 404 of the act prohibits the discharge of dredge or fill material into wetlands or other waters without the approval of the Secretary of the Army. In order to be permitted under Section 404 of the Clean Water Act, an activity must be found to be in compliance with the Section 404(b) (1) guidelines (40 CFR 230).

Because permits are issued through the district offices of the Corps, local governments can exercise a lot of authority in the development review process. For instance, if a municipality denies a permit or license, the Corps will normally deny its permit without prejudice until local authorization is obtained. Violators of the Clean Water Act are subject to judicial penalties as well as administrative civil penalties. For more information, contact the EPA Wetlands Protection Hotline at 1 (800) 832-7828 or the Army Corps of Engineers, 20 Massachusetts Ave., N.W., Washington, DC 20314.

Clean Water Act

Congress has provided EPA and the states with three primary statutes to control and reduce water pollution: the Clean Water Act, the Safe Drinking Water Act, and the Marine Protection, Research, and Sanctuaries Act.

Under the Clean Water Act, the states adopt water quality standards for every stream within their borders. These standards include a designated use such as fishing or swimming and prescribe criteria to protect that use. The Safe Drinking Water Act establishes national standards for drinking water quality. These standards represent the maximum containment levels allowable, and consist of numerical criteria for specified contaminants. The Marine Protection, Research, and Sanctuaries Act designates recommended sites and times for ocean dumping. Actual dumping at these sites requires a permit. Contact the Office of Water Regulations and Standards, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460.

Wild and Scenic Rivers

Under this program (36 CFR 297 and 43 CFR 8350), rivers can be designated for protection by Congress or by state legislatures. Once a river is designated, the Department of the Interior develops a comprehensive management plan for the protection of the river and its environs. Under the Federal Power Act, federal agencies are prohibited from licensing any water project on or directly affecting a designated component of the wild and scenic river system. The statute also limits federal agencies from licensing or aiding development on potential additions to designated areas.

The power of federal agencies to condemn land for protection of eligible rivers is limited if the land is zoned by a local jurisdiction. The act is further limited in that it cannot abrogate any existing private rights or contracts without consent of the private party.

Regional offices of the National Park Service assist local communities with river protection programs. Contact the National Park Service, Department of the Interior, P. O. Box 37127, Washington, DC 20013.

Clean Air Act

EPA to protect public health defines ambient air quality standards for pollutants. The Clean Air Act (40 CFR 50-99) requires states to develop state implementation plans in order to achieve these standards according to certain timetables. The timetables depend on the severity of the air quality problems in the various Air quality control regions. Specific standards that apply to facilities are set through regulations and permits. For some existing facilities, including the larger emitters of pollutants, these permits are federally enforceable. For new sources of pollution, a permit that sets pollution control requirements must be obtained prior to construction. In areas that have not met air quality standards, new sources or modifications may also have to obtain emission reduction credits that offset their emissions increases. In areas that are meeting air quality standards, sources must ensure that their emissions would not cause a violation of the ambient standard or degrade the air quality beyond certain levels.

Under the Clean Air Act, states may require that municipalities develop and implement transportation control measures. EPA may sue to restrain anyone causing or contributing to pollution that presents an imminent and substantial danger to human health. An individual also may bring suit against alleged violators. Contact the Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, NC, 27711.

Floodplains

The National Flood Insurance Act of 1968 establishes the National Flood Insurance Program (NFIP). The NFIP makes federal government-backed flood insurance available in those communities that choose to adopt and enforce a floodplain management ordinance, which meets or exceeds the federal minimum requirements, which are included in the Code of Federal Regulations 44, Sections 59 through 77. These regulations are designed to minimize flood damages within Special Flood Hazard Areas. For more information call the Federal Emergency Management Agency's San Francisco Regional Office at (415) 923-7177.

Historic Preservation

Federal Agencies must take into account the impact that proposed federal projects would have on these historic properties. The Advisory Council on Historic Preservation reviews these projects with the state historic preservation officer.

The National Environment Policy Act protects historic resources through its requirement for an environmental impact statement for major projects receiving federal funds. The Transportation Act also mandates that the Department of Transportation implement a strict review process for any project that requires the use of a historic site. There are no restrictions on private owners of historic properties as long

as they do not receive federal assistance or approval. Contact the Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., N.W., Washington, DC 20004.

Surface Mining Control and Reclamation Act

Under the Surface Mining Control and Reclamation Act (30 CFR 700-707), states must identify those areas unsuitable for mining. Each state establishes a regulatory procedure for granting permits based on the performance standards in the act.

The act has established a reclamation fund that distributes money to states with approved programs. The money, which comes from mandatory contributions by mine owners, is used for reclamation and restoration of land and water uses. The Department of the Interior can also acquire land that has been adversely affected.

In addition, funding is available from the Department of Agriculture, which is authorized to provide grants for land stabilization, erosion and sediment control, and reclamation. Contact the Office of Surface Mining, Reclamation, and Enforcement, Department of the Interior, 18th and C Streets, N.W., Washington, DC 20240.

Coastal Zone Management Act

State-level coastal zone management programs are funded through the Coastal Zone Management Act (15 CFR 923, 926-933). Each program is required to identify coastal areas of environmental concern and to establish a state or local mechanism for controlling incompatible uses within those areas. After the management program is approved, a state is eligible for grants to implement the federally approved state coastal management program, including preservation or restoration, redevelopment of certain urban waterfronts, or ports, and the provision of access to public beaches.

Contact the Office of Ocean Resource and Coastal Management, Conservation and Assessment, SSMC Bldg. 4, Room 11523, 1305 East West Highway, Silver Spring, MD 20910.

Federal Land Policy and Management Act (Public Lands)

The Bureau of Land Management develops and maintains federal land-use plans for public lands under the Federal Land Policy and Management Act (43 CFR, entire volume). The statute requires that the agency give adequate notice for public input, comment and participation in the formulation of these plans.

The Bureau manages and disposes of the public land it administers for a variety of uses, including improvement of public values, and granting of permits for special uses. These include, for example, permitting rights-of-way, entering into land exchanges to enhance threatened and endangered plant and animal species, permitting commercial filming, and for disposing of land to local governments for solid waste disposal sites.

The Bureau also issues permits to carry out archeological and paleontological investigations and surveys on the public lands; issues permits for a variety of recreational uses and for the removal of certain minerals on these lands; and permits the use of pesticides and herbicides on public lands.

Contact the Bureau of Land Management, Department of the Interior, 18th and C Streets, Washington, DC 20240.

Resource Conservation and Recovery Act (Hazardous Waste)

The Resource Conservation and Recovery Act (RCRA, 40 CFR 248-281) require EPA to establish standards that are necessary to protect human health and the environment from hazardous and toxic waste. Permits are required for owners and operators of facilities for the treatment, storage, or disposal of hazardous waste. States with approved programs are given primary responsibility.

RCRA sets guidelines for the development of solid waste management plans, prohibits open dumping (while requiring the closure or upgrading of existing dumps), and regulates underground storage tanks. The act also encourages public participation in the regulatory process. Regulations are enforced through civil penalties, civil actions for injunctive relief, and judicial penalties. Any person may bring a citizen suit against the alleged violators or the administrator of a facility that produces waste presenting an imminent or substantial danger to public health or the environment.

EPA has the authority to undertake any appropriate remedial action to control hazardous waste under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, 40 CFR 300). CERCLA is financed through taxes imposed on manufacturers of certain chemicals and petroleum products. Any person affected by a release of a hazardous substance may petition EPA to conduct a preliminary assessment of the hazard. Contact the Office of Solid Waste and Emergency Response. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460.

Aviation Safety and Noise Abatement Act

The Aviation Safety and Noise Abatement Act of 1979 as amended authorizes the Federal Aviation Administration (FAA) establish a methodology for the preparation of noise exposure maps and noise compatibility programs for airports. FAA helps to identify land uses that are compatible with different levels of exposure to noise based on professional planning criteria and procedures.

A public airport may submit a noise exposure map and, subsequently, a compatibility program to FAA's regional operations for a five-year period and their impact on compatibility and land uses. The compatibility program proposes measures to reduce or eliminate present and future incompatible land uses. The program includes a description of alternative measures to be considered (e.g., acquisition of land, construction of barriers, and methods of flight operation).

Individuals who acquire property after adequate public notice of the noise exposure map cannot sue the airport operator for damages unless they can prove that there have been significant changes in airport operations from what was forecast on the map. The planning process for both the map and the noise compatibility program must provide opportunity for the active participation of public agencies, aeronautical users, and the general public. Contact the Federal Aviation Administration, Department of Transportation, 800 Independence Ave., S.W., Washington, DC 20591.

APPENDIX C Common Acronyms

ACA:	(water stored in) Acre-feet per year
AFC:	Application for Certification
APCD:	Air Pollution Control District
APCO:	Air Pollution Control Officer
AQMD:	Air Quality Management Board
BACT:	Best Available Control Technology (relating to Air Pollution)
CEQA:	California Environmental Quality Act
CIWMB:	California Integrated Waste Management Board
DOI:	United States Department of the Interior
EDD:	Extractive Development Division of the Department of State Lands
EIR:	Environmental Impact Report.
EIS:	Environmental Impact Statement.
EPA:	United States Environmental Protection Agency
FERC:	Federal Energy Regulatory Commission
HUD:	United States Department of Housing and Urban Development
LAFCO:	Local Agency Formation Commission
LCP:	Local Coastal Program
LEA:	Local Enforcement Agency
NEPA:	National Environmental Policy Act
NOI:	Notice of Intention
NOP:	Notice of Preparation
OILSR:	Office of Interstate Land Sales Registration
OPA:	Office of Permit Assistance
PEA:	Proponent's Environmental Assessment
RACT:	Reasonably Available Control Technology
RWQCB:	Regional Water Quality Control Board
SCA:	Substantially Complete Application
SCH:	State Clearinghouse
THP:	Timber Harvesting Plan
TPZ:	Timberland Production Zone
USGS:	United States Geological Survey

APPENDIX D Telephone Numbers and Internet Address of State and Federal Resources

California Technology, Trade and Commerce Agency.....(916) 322-1394
http://www.commerce.ca.gov

California Office of Permit Assistance .....(916) 322-4245
http://www.permithandbook.com

California Office of Small Business ..... (916) 322-5790

Office of Economic Development .....(916) 322-3520
http://commerce.ca.gov/business/ed_home.html

California Film Commission .....(213) 736-2465
http://commerce.ca.gov/film/index.html

Resources Agency

Resources Agency .....(916) 653-3006
http://dwr.water.ca.gov

Department of Fish and Game .....(916) 653-7664
http://www.dfg.ca.gov

California Coastal Commission .....(415) 904-5200
http://www.coastal.ca.gov

Department of Water Resources .....(916) 653-5791
http://wwwdwr.water.ca.gov/

Cal/EPA

California Environmental Protection Agency.....(916) 445-3846
http://www.calepa.ca.gov

California Air Resources Board .....(916) 322-2990
http://arb.ca.gov

Integrated Waste Management Board.....(916) 255-2200
http://www.ciwmb.ca.gov

Department of Pesticide Regulation .....(916) 445-4300
http://www.cdpr.ca.gov

Department of Toxic Substance Control.....(916) 324-1826
http://www.dtsc.ca.gov

State Water Resources Control Board .....(916) 341-5455
http://www.swrcb.ca.gov

Office of Environmental Health Hazard Assessment .....(916) 324-7572
http://www.oehha.ca.gov

Business, Transportation, and Housing Agency .....(916) 323-5400
http://www.bth.ca.gov

Department of Transportation (Caltrans) ..... (916) 654-2852
http://www.dot.ca.gov

Department of Housing and Community Development..... (916) 445-4782
http://www.hcd.ca.gov

Federal Resources

U.S. Army Corps of Engineers ..... (916) 557-5100
http://www.spk.usace.army.mil

U.S. Department of Agriculture .....http://www.usda.gov

U.S. Department of Interior, Bureau of Land Management .....(916) 978-4400
http://www.ca.blm.gov

U.S. EPA .....(415) 744-1500
http://www.epa.gov

APPENDIX E Cal/EPA Permit Assistance Centers

To provide immediate coordination and assistance--Cal/EPA established "One-Stop" Permit Assistance Centers throughout the State. Combined with local and regional permitting agencies, the Centers provide a single point of contact for projects requiring multiple permits or regulatory assistance. These Centers have been established in several California locations to guide businesses through the complex regulatory systems, both state and local, and to eliminate processing barriers.

An individual may contact a Center for permit identification issuance, regulatory compliance assistance, on-site permit expertise from State and local agencies, "roundtable" meetings, identification of recurring procedural and regulatory roadblocks, and consultation services.

APPENDIX E Cal/EPA Permit Assistance Centers

1-800-GOV-1-STOP

Business Revitalization Center
Jeff Walden, Acting Director
Baldwin Hills Crenshaw Plaza, Rm. 246
3650 Martin Luther King, Jr., Blvd.
Los Angeles, CA 90008
213-290-7100
213-290-7190 FAX
brcpac@pac.calepa.ca.gov

Contra Costa Regional Permit Assistance Center
Roberta James, Director
651 Pine Street, 4th Floor
Martinez, CA 94553
925-229-5950
925-229-5952 FAX
cntrapac@pac.calepa.ca.gov

Fresno Area Permit Assistance Center
Pete Ruggerello, Director
2600 Fresno Street
Fresno, CA 93721
559-498-1343
559-498-1020 FAX
fresnopac@pac.calepa.ca.gov

Ontario Office
421 North Euclid Avenue
Suite #D
Ontario, CA 91764
909-391-0723
909-390-8236 FAX
inlanpac@pac.calepa.ca.gov

Kern County Permit Assistance Center
Floretino Castellon, Director
2700 M Street, Room 125
Bakersfield, CA 93301
805-862-5175
805-862-5176 FAX
kernpac@pac.calepa.ca.gov

Riverside Office
4080 Lemon Street, Second Floor
Riverside, CA 92501
909-955-1883
909-275-1806 FAX
riverpac@pac.calepa.ca.gov

Orange County Permit Assistance Center
Danian Hopp, Director
300 North Flower Street, First floor
Santa Ana, CA 92705
714-834-2840
714-834-2764 FAX
orngpac@pac.calepa.ca.gov

San Diego Regional Permit Assistance Center
Geralda Stryker, Director
San Diego City Operations Building
1222 First Avenue, Fourth Floor
San Diego, CA 92101
619-236-5938
619-236-7200 FAX
pacsdieg@pac.calepa.ca.gov

San Fernando Valley Permit Assistance Center
Gene Kocis, Director Van Nuys Government Center
14437 Erwin Street Mall
Van Nuys, CA 91401
818-756-7572
818-782-4621 FAX
sfernpac@pac.calepa.ca.gov

Santa Clara Valley Permit Assistance Center
Paul Giardina, Director
East Wing, Lower Level
70 West Hedding
San Jose, CA 95110-1705
408-277-1477
408-277-1484 FAX
sclrapac@pac.calepa.ca.gov

APPENDIX F Glossary

Ambient

The surrounding area or environment.

Applicant

"Applicant" means a person or entity who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person or entity applies for governmental approval or assistance.

Approval

(a) "Approval" means the decision by a public agency, which commits the agency to a definite course of action in regard to a project, intended to be carried out by any applicant. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval.

(b) With private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or financial assistance, lease, permit, license, certificate, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of a project.

CEQA

"CEQA" means the California Environmental Quality Act, California Public Resources Code Section 21000 et seq.

Categorical Exemption

"Categorical exemption" means an exemption from CEQA for a class of project based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

Decision-Making Body

"Decision-making body" means any person or group of people within a public agency permitted by law to approve or disapprove the project at issue.

Development

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density of intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the Public Resources Code).

"Development" does not mean a "change of organization," as defined in Section 56028, a "change of organization of a city," as defined in Section 35027,"reorganization," as defined in Section 56068, or a

"municipal reorganization", as defined in Section 56068, or a "municipal reorganization," as defined in Section 35042. (Government Code Section 65927.)

Development Project

"Development project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction but not a permit to operate. "Development project" does not include any proposed ministerial projects to be carried out or approved by public agencies. (Government Code Section 65928)

Discretionary

"Discretionary" means an action which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

Environment

"Environment" means the physical conditions, which exist within the area, which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The "Environment" includes both natural and man-made conditions.

Environmental Documents

"Environmental documents" means Initial Studies, Negative Declarations, draft and final EIRs, documents prepared as substitutes for EIRs and Negative Declarations under a program certified pursuant to Public Resources Code Section 21080.5, and documents prepared under NEPA and used by a state or local agency in the place of Initial Study, Negative Declaration, or an EIR.

EIR - Environmental Impact Report

"EIR" or "Environmental Impact Report" means a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The term "EIR" may mean either a draft or a final EIR depending on the context.

(a) Draft EIR means an EIR containing the information specified in Sections 15122 through 15131 in CEQA Guidelines.

(b) Final EIR means an EIR containing the information contained in the draft EIR, comments either verbatim or in summary received in the review process, a list of persons commenting, and the response of the Lead Agency to the comments received.

EIS - Environmental Impact Statement

"EIS" or "Environmental Impact Statement" means an impact document prepared pursuant to the National Environmental Policy Act (NEPA). NEPA uses the term EIS in the place of the term EIR which is used in CEQA.

Feasible

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, legal, social, and technological factors.

Initial Study

"Initial Study" means a preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

Jurisdiction by Law

(a) "Jurisdiction by law" means the authority of any public agency:

(1) To grant a permit or other entitlement for use;

(2) To provide funding for the project in question; or

(3) To exercise authority over resources which may be affected by the project.

(b) A city or county will have jurisdiction by law with respect to a project if it is the city or county having primary jurisdiction over the area is involved, i.e., if it is:

(1) The site of the project;

(2) The area in which the major environmental effects will occur; and/or,

(3) The area in which reside those citizens most directly impacted by any such environmental effects.

(c) Where an agency having jurisdiction by law must exercise discretionary authority over a project in order for the project to proceed, it is also a Responsible Agency.

Lead Agency

"Lead Agency" means the public agency, which has the principle responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared.

Local Agency

"Local agency" means any public agency other than a state agency, board, or commission. Local agency includes but is not limited to cities, counties, charter cities and counties, districts, school districts, special districts, redevelopment agencies, local agency formation commissions, and any board, commission or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency.

Ministerial

"Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented and uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out.

Mitigation

Mitigation describes efforts made to deal with undesirable results of a proposed project, either through minimizing or alleviating those effects. Mitigation includes:

(a) Avoiding the impact altogether by not taking certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitation, or restoring the impacted environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or,

(e) Compensating for the impact by replacing or providing substitute resources or environments.

Negative Declaration

"Negative Declaration" means a written statement by the Lead Agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and, therefore, does not require the preparation of an EIR.

Non-Attainment

Refers to the deficiency of an air quality "area" or "basin" to achieve preset levels of air quality over a period of time.

Notice of Completion

"Notice of Completion" means a brief notice filed with The State Clearing House by a Lead Agency as soon as it has completed a draft EIR and is prepared to send out copies for review.

Notice of Determination

"Notice of Determination" means a brief notice to be filed by a public agency after it approves or determines to carry out a project, which is subject to the requirements of CEQA.

Notice of Exemption

"Notice of Exemption" means a brief notice which may be filed by a public agency after it has decided to carry out or approve a project and has determined that the project is exempt from CEQA as being ministerial, categorically exempt, an emergency, or subject to another exemption from CEQA. An applicant may also file such a notice where such a determination has been made by a public agency, which must approve the project.

Notice of Preparation

"Notice of Preparation" means a brief notice sent by a Lead Agency to notify the Responsible Agencies, Trustee Agencies, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and the content of the environmental information to be included in the EIR.

Private Project

A "private project" means a project, which will be carried out by a person other than a governmental agency, but the project will need a discretionary approval from one or more governmental agencies for:

(a) A contract or financial assistance; or,

(b) A lease, permit, license, certificate, or other entitlement for use.

Project

A "project" means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, and that is any of the following:

(a) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.

(b) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(c) An activity involving the issuance to a person of a lease, permit, license, certificate, or other forms of assistance from one or more public agencies. (Government Code Section 65931.)

A project does not include:

(a) Anything specifically exempted by state law;

(b) Proposals for legislation to be enacted by State Legislature;

(c) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered above);

(d) The submittal or proposal to a vote of the People of the State or of a particular community; or,

(e) The closing of a public school and the transfer of students to another school where the only physical changes involved are categorically exempt.

Public Agency

"Public Agency" includes any state agency, board, or commission and any local or regional agency, as defined in the CEQA Guidelines. It does not include the courts of the state. This term does not include agencies of the federal government.

Responsible Agency

"Responsible Agency" means a public agency, which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purpose of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency, which have discretionary approval power over the project.

Significant Effect on the Environment

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

State Agency

"State Agency" means a governmental agency in the executive branch of the State Government or an entity, which operates under the direction, and control of an agency in the executive branch of the State Government.

The California Technology, Trade & Commerce Agency, Office of Permit Assistance gratefully acknowledges the contributions of the following organizations for their assistance in updating the 2001 California Permit Handbook. Without their cooperation this book would not be possible.

ACKNOWLEDGEMENTS

Governor's Office of Planning and Research

State Clearinghouse

California Technology, Trade & Commerce Agency

California Film Commission

California Environmental Protection Agency

California Air Resources Board

California Integrated Waste Management Board

Department of Toxic Substances Control

Department of Pesticide Regulation

Regional Water Quality Control Boards

State Water Resources Control Board

California Resources Agency

San Francisco Bay Conservation and Development Commission

California Coastal Commission

California Energy Commission

Department of Conservation

Department of Fish and Game

Department of Forestry and Fire Protection

Department of Parks and Recreation

State Lands Commission

Tahoe Regional Planning Agency

The Reclamation Board

California Business, Transportation and Housing Agency

California Department of Transportation

Department of Housing and Community Development

California Health and Welfare Agency

Department of Health Services

California Public Utilities Commission

Federal Agencies

US Department of Agriculture-Forest Service

US Army Corps of Engineers

US Department of Interior-Bureau of Land Management